DEBATES IN CONGRESS.

PART II. OF VOL. IX.

REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE SECOND SESSION OF THE TWENTY-SECOND CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME IX.

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OF THE
STATE OF CALIFORNIA

tingent expenses. This, truly, is an enormous profit! Out of thirteen millions and upwards, they have left to themselves about half a million; and out of that, have to keep up all the machinery, and pay all other contingent expenses. If these facts be true, and I have never met with the man that dared question them, I think it is time for gentlemen to cease their slang about extravagant profits. I think the great profit consists in making our country independent of foreign Powers, and in giving employment to so many industrious citizens, and furnishing such a steady market for the produce of our farmers. I might as well, while on this subject, make a remark in reply to the member from my State, [Mr. POLK,] who made such a flourish the other day about profits. He seems to have gotten hold of a few isolated scraps of testimony which, to me, and nineteen-twentieths of my fellow-members upon this floor, have been locked in profound secrecy. He, it seems, has been permitted to peep in, and has made a selection of such scraps as he fancies will suit his own views. Yes, sir, out of a mass of testimony which we are told the office of the public printer, ample as it is, is not capable of printing for us, unless every thing else be laid aside, the member from my State has the hardened effrontery to stand up here, and read to us a few miserable, meagre, scraps of his own culling, from his huge bundle, while the balance is withheld; and in this vainglorious flourish he fancied he had made us "flutter"—at least he said so. Now I confess I was "fluttered" into a laugh, to see a man so despicably weak, as to believe that the scraps of testimony which he had pillaged, would have the least weight with any member on this floor. The member discoursed about "profits," as if he knew either head or tail of the subject.

Sir, said Mr. ARNOLD, I have just two ideas on this subject of profit, which I wish to suggest to the committee. The member talks about forty per cent., and thirty-three per cent. &c., and argues that the business ought to be put down and destroyed, because it yields this enormous profit, as he calls it. Now, I am told by gentlemen who know all about this business of profit, that the member is totally mistaken in his facts; but, for the sake of the argument, I am willing to admit his facts. In what attitude, then, will the member be placed? Why, sir, in what I should consider a very unenviable attitude. He will be exhibited as striving to put down an employment which gives to those who pursue it a profit of forty per cent.; and the great profit is the reason which he assigns for wishing to destroy it. This system of political ethics is wholly inexplicable to me. The very reason given by the member for desiring its destruction, is the very reason that makes me desirous of building it up, and placing it upon a permanent basis. Is this profitable employment confined to any section of the country, or to any class of citizens? I take it upon myself to say here, in my place, that it is not; but that it is open to every section and to every class. Every man in the United States is perfectly at liberty to pursue this business, and every man will receive exactly the very same protection by the laws of the United States. How, then, sir, is this law unequal and oppressive?

But one other view of this subject proves conclusively to my mind that it is not so profitable as the member pretends to think. It is this: If it were so profitable, yielding to those engaged in it 40 per cent. we should not find capital so slow to enter it; but, sir, we should see a general rush into the business. I am told by several gentlemen, that plenty of money can be hired at five per cent. Capital is like water; it will level itself. And it is idle to tell me, that, in a country where you can obtain capital at five per cent., any branch of business can go on long making 40 per cent. The capital invested in the less profitable employment will as inevitably seek the more profitable, as that water will run down an inclined plane. Sir, it must, in the nature of things, be so. Any other course would be in direct conflict with all laws, moral and physical. I repeat, the idea that a business is so very profitable, is palpably contradicted by the fact, that idle capital, or capital vested at a very small profit, lies thick around, and refuses to enter into this business.

The next branch of domestic industry to which I will call the attention of the committee, is the manufacture of hats. And this, sir, brings to mind a part of the speech which the honorable gentleman from Georgia [Mr. WILDE] made the other evening. Whenever the subject of hats or wool is mentioned for some time to come, I shall think of that speech. The gentleman was quite discursive, and full of variety. The manner in which he connected the hatting business or wool-dealing, with certain gentlemen on this floor, was not the least unaccountable part of this most unaccountable speech.

The gentleman commenced this part of his argument by telling us that there were certain anonymous letter writers from this place to various points of the compass; that these letter writers, generally, were not to be relied on; but, nevertheless, they did sometimes, by accident or design, hit upon the truth. He said, one of these letter writers had stated it as a fact, that Governor Marcy had given orders to the friends of the Vice President elect, more commonly known on this floor by the title of "The Regency men," that they must go against the present bill. The gentleman said he did not believe one word of this, but in the very next breath he alluded to the fact that Governor Marcy was a family connexion of a gentleman in Albany who was an extensive dealer in wool: [I understand Governor Marcy's father-in-law is a hatter by trade, and, I suppose, this is the way in which he becomes a wool dealer.] I am not acquainted with the gentleman from Georgia further than to know him when I see him. In passing we sometimes speak, and sometimes do not. But my friends had taught me to believe that he was a gentleman, a man of handsome acquirements, and possessed great frankness, a high sense of honor, and an ample stock of good feeling. Sir, he may be a gentleman. I do not know myself very well what are the component parts of a gentleman; but, to say the least of it, I do not think, on the occasion referred to, that he displayed an overstock of candor. Let us analyze him a little on this subject, and see how he will look when taken to pieces. He told us that these letter writers, with a very few exceptions, were not to be relied on; but he made a quotation from one of those letter writers. Now I ask, sir, if a candid man would have made a quotation from that which he believed himself to be false? I think every candid man must answer in the negative. But this the honorable gentleman did do in the face of this House; he quoted from one of these letter writers, and told us that he believed the quotation was a falsehood. But he immediately goes on to state another fact in connexion, which shows that he himself either believed the letter writer, or wished to make others believe him. This, then, is a specimen of the gentleman's candor, and I must do him the justice to say that the supply of candor in his speech is about as ample as he imagines truth to be among the letter writers.

Now, sir, let us see how his honor will compare with his candor.

The gentleman from Georgia seems to think he has a claim upon the regency men, as they are called here, and demands their votes in favor of the present bill, upon the score of gratitude; but for fear, I suppose, that his claim of gratitude will not be sufficient, he holds out a menace, of which I will say more anon. What estimate the gentleman from Georgia puts upon the character of the members who were specially alluded to by him, I will not pretend to determine; I will leave that to be set-

tled by him and them. But I will say that, before I could venture to make such an appeal, an appeal so direct, so personal, so gross, that every honorable man who heard it must have been shocked and disgusted; I say, sir, before I could venture to make such an appeal to any member upon this floor, I must consider him a spaniel with a collar around his neck. Sir, what did the gentleman say? I will not pretend to repeat his words, but his allusions were so direct and palpable that there was not a member upon this floor that did not understand them. He appealed to gentlemen upon this floor expressly as partisans; he reminded them of services which had been rendered to their friends; he called to their recollection many votes, where, as a partisan, he had stood shoulder to shoulder with them; he even went so far as to enumerate the miserable and contemptible Wiscasset case, and declared that, as a partisan, even on that occasion he had voted with them. Now, sir, we are to understand the honorable gentleman—he himself so intends we shall understand him—that his vote was given, on all the occasions referred to, as a mere partisan, without regard to principle. He now asks his reward; he now calls upon the regency men here to vote for this bill as partisans, and thus, by party votes, without regard to principle, to sacrifice the dearest and most vital interests of their constituents; he tells them that they can pass this bill if they will, and he holds them responsible for its failure; he broadly intimates to them that if they expect their friend [Mr. Van Buren] to get any votes in the South for the Presidency, they must join with the South in destroying the system of domestic industry. Sir, if these things had been reported to me, I should have been incredulous to them; but I saw with my own eyes the orator who spoke, and heard with my own ears the words spoken. But enough of this unpleasant subject for the present; I will commence the hat-making business again.

"The home consumption of hats made in the United States is, per annum, equal to $10,000,000
Exported, - - - - - - 500,000

$10,500,000

Say ten million five hundred thousand dollars, as the annual value of the manufacture of hats.

"And, on the information of practical men, extensively engaged in this business, they have reached the conclusion that eighteen thousand persons are directly employed in this business, viz.

15,000 men and boys,
3,000 women.

18,000

"Who receive, in money paid for their labor, the sum of four million two hundred thousand dollars a year; $4,200,000.

"The materials used in the manufacture of hats consist of wool of various qualities, and of furs, which are of domestic and foreign production; also gums shellac and seedlac, glue, sulphuric and nitric acids, copperas, verdigris, and dye-woods; with trimmings of leather, cloth, and silk, of foreign or domestic manufacture.

"It is now about thirty years since the first duty was laid on imported hats; and, since that time, (that the domestic manufacture might be encouraged, and thereby established) the original duty has been considerably increased, by which American hatters were first enabled to make a stand against foreign manufacturers, and finally to drive them out of the market, by furnishing better and cheaper hats than the people of the United States had been supplied with, before an adequate protection was afforded in the duty levied on hats; the exports of which now make a handsome item in the treasury statements. A foreign hat is rarely seen in our country, except in the use of persons just arrived from foreign places, because of the imposing fact, that American hats, regard being had to their quality, are manufactured at a less price than must be paid for them elsewhere. Such are the results of protection extended to the hatters of the United States, that it directly employs eighteen thousand persons, who earn in wages four million two hundred thousand dollars, or, at an average of nearly two hundred and forty dollars for every person, per annum, and subsists, in the whole, from fifty to sixty thousand individuals; and all this, while the consumer receives a better article at a reduced price.

"But, to guard against foreign speculators, and excessive supplies of foreign hats, your committee consider it essential to the interests of American consumers as well as manufacturers of hats, that the present duty should be fully maintained. Though not very high in its amount, it is effective in its operation, and the consequences have been as just stated; the principle of which your committee believe is equally applicable to other important branches of domestic industry. But do away that protection, and the irregularity of the home market would throw thousands of hatters out of employment, who, with their families, are now comfortably subsisted by the labor of their hands.

"The committee would, in conclusion, remark, that the duty on foreign wool (which is extensively used by them, certain kinds being much better fitted for the manufacture of hats than our own) is equal to sixty-five per cent. on its cost, while the duty on hats is only thirty per cent., and the excess duty on wool, so far as it goes, has an injurious effect; they, therefore, would suggest such increase of duty on hats, and especially hat bodies or hat felts, made in whole or in part of wool, as may meet the duty imposed on the material used, which they believe would be advantageous to the American people in general.

"All which is respectfully submitted.

"CLARKSON CROLIUS, *Chairman.*

"The manufacture of caps is also a very extensive and important interest in the United States. There is one factory at Albany, which, in dressing and preparing furs and skins, and in the making of caps, employs about six hundred persons, on an average, throughout the year, and pays out two thousand dollars in weekly wages, or one hundred thousand dollars per annum, for labor only. There are two or three other factories of such articles at Albany, and several in other places. The whole value of the manufacture of hats and caps in the United States (for men's wear) may be put down as equal to about $15,000,000, fifteen millions of dollars, a year. [Permanent committee.]"

The next subject, sir, to which I will invite the committee is that of salt. I have heard some demagogues make a great outcry about the oppressive duty on salt. I have had occasion before now to examine this question of duty on this article of universal consumption, and have come to the conclusion that the amount of duty has very little to do with the price to the consumer. If it makes any difference, it is in favor of the consumer.

In confirmation of what I here state, I submit the following well authenticated facts, which have not, and I presume cannot, be controverted or denied. By these statements, it is shown most clearly, that if the duty on salt has any effect, it is to reduce the price to the consumer. Gentlemen ask, how is this possible? I say, the fact is so; and, with me, an ounce of fact is worth a pound of theory. But I think the reason why the fact is so, is very palpable. When you take the duty entirely off, or so reduce it as to let in the foreign article, the foreign importers make an effort, and throw into our market vast quantities of salt, even sometimes at a great sacrifice, for the purpose of breaking our salt factories down. When the duty is light, this they are certain to do; but as soon

as they get clear of the rivalship of our works, they then immediately raise the price to the consumer; and thus in a short time repair their losses, in breaking our establishments down. We, in all such instances, in the end, pay the price of destroying our own citizens. But if, by a heavy duty on foreign salt, we even raise the price for a time, the profit of the business induces men of capital to embark in it. The more profitable, the more will go into the business; and thus, by an active home competition, the article is furnished to the consumer at as low a price as it possibly can be manufactured for; and, in the long run, we find we can always get it cheaper than we can from the foreign importer after our salt works are broken down. Mr. Jefferson said that we ought to encourage our own citizens against foreigners, without regard to price. I think every true American would be willing to make a small sacrifice for the purpose of building up a great and permanent system, which would make his country independent at all times, and under all circumstances, of foreign Powers; and particularly when he sees and knows that that system, if not at once, will, in a short time, give him a better and a cheaper article than he gets from the foreigner.

From 1807 until 1813, there was no duty on salt at all. During this period, the price varied from fifty to fifty-five cents. In 1813, a duty of twenty cents was levied. This duty remained until 1830, at which time, such was the domestic competition, it sold from forty-five to forty-seven cents, considerably lower than when there was no duty at all. In 1831, the duty was reduced to fifteen cents, and the price of the article was immediately raised to the consumer to fifty cents; making to the consumer a clear loss of five cents per bushel, and to the British importer a clear gain of ten. Facts are stubborn things; and these are facts that no man can or dare dispute.

During the late war, salt sold in Baltimore as high as six dollars per bushel. Our suffering during the late war for this most essential article taught us the folly of depending upon foreigners for this essential necessary of life; and all hands said then, we have an abundance of materials within ourselves, and we will manufacture for ourselves; for, said they, we never have an assurance how long peace will last, and whenever war comes, why then this foreign supply of salt, as well as of every thing else, is completely cut off, and we are left perfectly destitute. But it seems, Mr. Chairman, that we have very nearly forgotten the salutary lessons of the late war, and, like the sow, we are ready to return to the wallow.

I beg leave to read to the committee some most interesting details on the manufacture of salt.

The importations of 1831 are estimated at about five and a half millions of bushels. By comparing the present price of salt with a duty of ten cents per bushel, it will clearly be seen that the consumer was supplied with this important and necessary article of consumption, taking the years 1828 to 1830, at fifty cents, when the duty was twenty cents per bushel. By the prices current of the present year, at a duty of ten cents, the consumer will pay an advance of twenty per cent. This establishes one plain fact, that, instead of the reduction of the duty on salt supplying the citizens of the United States at a lower rate, it has had the effect, from the vacillating policy of the Government, to discourage the necessary exertions of those who are concerned in this important branch of American industry, which, of course, has produced the difference in price. Your committee think they hazard nothing in saying, that if the duty on salt were entirely taken off, the price would increase, in the ratio of the present year, to at least seventy-four cents per bushel, as in former years, when no duty existed.

As a source of revenue, and as an encouragement to the domestic manufacture, the first Congress which assembled under our present constitution were induced, on the 20th of July, 1789, to pass an act imposing a duty of six cents per bushel on salt imported into these United States. At the next session, 1790, it was increased to twelve cents per bushel.

These enactments operated as a bounty for individual enterprise, not, however, in the estimation of Congress, equal to the hazard of investment. In 1797, the duty on foreign salt was augmented to twenty cents per bushel. This proved insufficient to call forth the capital and enterprise of our citizens: necessity seemed to require that Congress should act on every article that appeared to languish under what was then called a protecting duty. Despairing of its ultimate success, on the 3d March, 1807, salt was declared free of duty from and after the 1st of January, 1808. This continued until the 1st of January, 1814. During these years, salt ranged from fifty to one hundred cents per bushel, higher than at any other period from or since the formation of the Government, (the period of the war excepted.) It may be worthy of remark, that the same act which renewed the duty for the encouragement of our own manufactories of salt gave the bounty or drawback on the fisheries. The war of a second independence brought forth the energies of the country, and, from the close of that struggle down to the repeal of the last act laying a duty on salt, it ranged lower than at any other period since the adoption of the constitution.

The Permanent Committee believe that some additional statements concerning the manufacture of salt may be useful.

A petition to Congress, on behalf of the manufacturers of salt, in the county of Kanawha, Virginia, signed Lewis Summers, Joel Shrewsbury, sen., Lewis Ruffner, James Bream, Joseph Lovell, A. Donnally, and Isaac Noyes, dated 9th of January, 1828, and published by order of the Senate, January 21, 1828, stated, among others, the following facts, which are briefly condensed for common reference.

In the early settlements of the Western country, salt was as high as five dollars per bushel, and for several years it fluctuated from two to three dollars; but the works at Kanawha being commenced, it fell to one dollar. And even during the last war with Great Britain, such was the domestic competition, that it averaged less than eighty-seven and a half cents, though selling at five or six dollars on the seaboard. In some instances it rose to one dollar, (at the works,) because of the great demand for the Northwestern army, and the operations of speculators; but increased production enabled the manufacturers to extend their supplies to new customers, and considerably checked a general increase in price. At that time twelve thousand bushels were made weekly at Kanawha.

Since this period the salt works in the Western country have been much increased; and so great was the competition, and large the supply, that salt was sold as low as fifteen or twenty cents per bushel, in casks ready for shipping, in 1825; and in 1826, even at twelve and a half cents. This necessarily caused a stoppage of many of the works. There were sixty-one wells of a capacity to supply one hundred furnaces, but only fifty-six were in operation. The average price of 1827 is stated to have been twenty-four and a quarter cents; and the actual cost of manufacturing, including barrelling, &c. nineteen and a half cents. The salt made was 787,000 bushels, employing four hundred and seventy-one regular laborers, using 1,695,000 bushels of coal in the evaporation of 64,000,000 gallons of water. The capital employed was estimated at 548,000 dollars, and the agricultural products annually consumed by the working people valued at 47,600 dollars, using 24½ tons of wrought iron and 100½ tons of cast iron, paying for mechanics' bills 7,950 dollars a year. We recite these particulars to show how one branch of industry interlocks itself with others. And further should

be added the labor and cost of transportation, in making barrels,* and building wagons, boats, &c. employing many and various other persons. In this petition, the whole products of the salt works of the United States, for 1827, were estimated at 4,113,000 bushels, one-half of which were in the Western country. By the returns of the marshals in 1810, the quantity of home made salt reported was 1,238,365 bushels, worth 1,149,725 dollars, or almost one dollar a bushel in that year, when there was no duty on salt; and it will appear that the duty has not had any apparent effect on prices, nor do we believe that it has had any real one; for a brisk domestic competition acts against the foreign supply, and reduces cost to consumers; and so it has been in respect to every class of protected articles.

Of the 4,564,720 bushels imported in 1826, no less than 3,533,796 bushels were from Great Britain and her dependencies, 2,354,549 from England direct.

The petition above referred to contains some powerful reasoning against the then apprehended reduction of the duty on salt; but the Permanent Committee believe that their present business is confined to the facts as stated, and do not wish to pass from them into argument just now.

On the 22d of October, 1830, the salt manufacturers of Kanawha again petitioned Congress for a restoration of the duty on salt.† They estimated the capital vested in this manufacture at 6,964,988 dollars, and showed the capacity of the United States to increase domestic supplies; they computed that 3,653 persons were directly employed in the business,‡ who, among a multitude of supplies from the farmer, required about 600 tons of iron annually. They state a fact of ordinary occurrence, though seldom sufficiently noticed by political economists and statesmen, that, on a failure of supplies from Kanawha, (which had kept down the prices at from forty-five to fifty cents,) foreign salt, at Cincinnati and Louisville, immediately advanced to seventy-five cents. But the extraordinary exertions of the Virginia manufacturers, stimulated by the high price, soon brought it down again. They say that the protection given to domestic salt has not diminished the foreign trade in the article, as the tables show. Its chief effect has been to reduce the price of salt, the diminished price being the loss or profit to foreign manufacturers. A large part of the salt brought to the United States is imported in lieu of ballast. The price of iron, salt, or molasses, for example, has never risen, unless for a moment, because of higher duties imposed; nor the price of molasses, salt, or coffee, permanently declined, because that the duties have been lessened. Practical results are decidedly against the theory that duties must needs be "taxes." It is the force of the domestic competition which settles that question, as is fully shown in the report of the committee on the manufactures of iron; and other facts known to every man of business who has examined the subject.

A memorial to Congress, from sundry inhabitants of Massachusetts, published by order of the House of Representatives, January 23, 1827, presents the following facts:

That, during the revolutionary war, salt was sold for three or four silver dollars per bushel; that, after the war, the manufacture increased until the duty was taken off, but the State of Massachusetts, (recollecting "revolutionary sufferings,") to aid the manufacturers, exempted the salt factories from taxation. In 1813, the duty of twenty cents per bushel being laid, the manufacture revived, and became extensive; great improvements being made in it, to save labor as well as advance the quality of the article. The water is pumped into vats from the ocean; and the vats are covered, to avoid the effect of rains, or of dews at night. In Barnstable county, only, there were then 15,000,000 feet of such vats, worth 1,300,000 dollars, and having more than 1,000 owners. The price of salt, which had been as high as sixty cents, having fallen to thirty-three cents at the works, the competition between the domestic and the foreign supply, in the language of the memorialists, became "severe," and they asked Congress "what good reason there could be for destroying their only manufacture."

MISCELLANEOUS ITEMS.

In the year ending November, 1828, 1,160,000 bushels of salt were made at Salina, Syracuse, Geddes, and Liverpool, in the State of New York. This paid a revenue to the State of twelve and a half cents per bushel, and left a clear profit for the year of $138,620.

From March, 1827, to June, 1829, the monthly product of salt at Kanawha was 75,000 bushels, inspected.

In 1829, the Kiskiminetas salt works, in Pennsylvania, employed two hundred road wagons.

At the beginning of the year 1831, there were 17,545,760 square feet of salt works in Massachusetts.

The following brief notices of the salines on the Kanawha, as generally applicable to those west of the mountains, are interesting:

At the point where the salt factories are established, the Kenawha river is about one hundred and fifty yards wide. The "salt region" extends fifteen miles along the river, and the quantity of salt manufactured may be extended to an indefinite amount.

The salt water is obtained by boring through a great rock, to the depth of from 300 to 500 feet. Copper or tin tubes are introduced to keep out the fresh water which lies above the salt; and the latter rises as high as the surface of the adjoining river, though all communication with it is cut off. The salt water is then raised to the top of the bank of the river, about forty feet, by forcing pumps, and conveyed to the furnaces as required. Bituminous coal abounds on the spot, and is used for the purpose of evaporating the water. Some of the salt water thus obtained is so strong that it will hold very little more salt in solution.

These works, at present, employ about eight hundred men, as salt-makers, coopers, boat builders, &c. The average price of salt has hardly exceeded 30 or 35 cents per bushel, at them. By means of the Baltimore and Ohio railroad, and other channels of cheap transportation, supplies of salt may be obtained from the West in future emergencies, such as happened in the last war.

The Kanawha salt is purer than the Liverpool.

PRICES OF SALT AT BALTIMORE.

	March 27, 1830. Duty 20 cents.	*April* 19, 1831. Duty 15 cents.	*Dec.* 9, 1831. Duty 15 cts.
Turk's Island,	45 to 47	50	53
St. Ubes,	44 to 45	none	53
Cadiz,	40 to 41	42 to 43	none
Lisbon,	43 to 44	43	none
Liverpool (gr.)	40	not quoted	40
" (sack)	205 to 212	200 to 215	200

The fishing business in the waters of the Chesapeake failed last year, and there was some excitement, because of the stock of salt on hand, and its anticipated fall in price, on account of the reduced duty to take place on the 1st January last; but the salt in the hands of the fishermen rather made a profit than a loss, when the duty retired five cents a bushel! And now, (Dec. 9,) we see, that though the duty will be only ten cents on the 1st of next month, the price of Turk's Island salt is six cents higher than it was in March, 1830, when the duty was 20 cents, and three cents higher than when the duty was 15 cents, which duty will be only 10 cents three weeks hence.

* 130,000 barrels, costing $32,000, were required.

† A law with a prospective effect having passed to reduce it.

‡ They and their families were estimated at 14,612 persons, subsisting by the manufacture of salt.

There has been a small decline in the price of Liverpool salt, in sacks of four bushels, since March, 1830, but all other salts show no other change since that time, except against consumers.*

SUGAR.

The next subject to which I will call the attention of the committee, is the manufacture of sugar. Sir, it is proposed by this bill to reduce the duty on sugar one-half cent per pound. This looks like a small sum when we advert only to the duty on one pound; but when we come to apply it to millions, it becomes a question of vast importance; and, as my honorable friend from Louisiana [Mr. WHITE] said the other day, there is no telling what may be its effect; they may be able to go on; they may be overwhelmed with ruin by it. The manufacture of sugar, I have been often told by gentlemen familiar with that subject, yields a very precarious and uncertain profit. Its success depends upon many circumstances, about which it is impossible beforehand to make any certain calculation. Some years the profits will be pretty handsome; some years the losses will be very severe. But, sir, I wish to state to the committee the amount of capital which is invested in this business, and to show its intimate connexion with other branches of agriculture, and with the agriculture of the Western States particularly.

It is stated, upon the best authority, that in Louisiana alone there are more than five hundred sugar plantations. These plantations employ a capital of at least fifty millions of dollars. Now let us see how this capital operates on the agriculture of the Western States.

We will take one of those plantations, capable, in a good season, of producing 400,000 pounds of sugar; we will first examine the amount of capital invested, and the manner of its investment.

The first item I find is land, 1,500 acres, -	$75,000
The next is ninety hands, at 600 dollars each,	54,000
Forty pairs of working oxen, at $50 per pair,	2,000
Forty horses, at $100 each, - - - -	4,000
Horizontal sugar mill, - - - - -	4,000
Two sets of boilers, at $1,500 each, - -	3,000
Buildings of all descriptions, - - -	25,000
Twelve carts, - - - - - - -	1,200
Thirty ploughs, - - - - - - -	300
All other utensils, such as timber, wheels, hoes, spades, axes, scythes, &c. &c. - -	1,500
	$170,000

This, Mr. Chairman, is the capital upon one sugar plantation, the largest portion of which is in perishable property, and is constantly wearing out and giving way, and must of necessity be supplied from the Western and Southern States.

The annual disbursements of this plantation are estimated at $10,700; and, sir, I derive these facts from well authenticated documents, which have not been, and, I presume, cannot be, disputed. How, then, is this $10,700 yearly expended? I will show you, sir.

The first item is $3,000, for provisions, such as flour, pork, beef, corn, &c. &c. - -	$3,000
Clothing of all sorts, - - - - - -	1,500
Medical attendance and medicine, - -	500
Annual losses in negroes, - - - -	1,500
Taxes - - - - - - - - -	500
Horses and oxen, - - - - - -	1,200
Repairs for buildings, - - - - -	700
Ploughs, carts, &c. - - - - - -	300
Overseer, - - - - - - - -	1,000
	$10,700

This, sir, is the annual expense of one of these plantations, distributed among the farmers, the mechanics, the horse and slave-driver; and even the medical gentleman comes in for his share, and a snug little sum of five hundred dollars goes to the support of Government, by way of taxes. The expense of one plantation, to be sure, does not make a very imposing figure; but let us see what are the annual expenses of five hundred plantations. Why, sir, it is just the little sum of five million three hundred and fifty thousand dollars, principally distributed among the farmers and mechanics of the country. Sir, if I were legislating here upon local principles, looking to the immediate interest of my constituents alone, without regard to the general prosperity of my whole country, to destroy this interest would be the last thing I should think of doing, to promote theirs. What view any gentleman upon this floor from Tennessee; what view any gentleman here from the waters of the great Mississippi, can take of this question, which will cause him to vote for destroying the sugar plantations, is passing strange to me. We have great difficulty in the West now in finding a market for our surplus produce; and, in my opinion, if, by our legislation here, we were to destroy the manufacture of sugar in Louisiana, the policy would be perfectly suicidal. Destroy this system, and the rich alluvial bottoms of the Mississippi will be at once converted into fields of cotton, corn, and rice, and the whole agricultural community up the Mississippi, and its tributaries, will feel the shock most ruinously. The supply of agricultural products is already much greater than the demand. This preposterous act of ours—and gentlemen must excuse me, for I cannot call it by any name less offensive—instead of increasing the demand, will greatly augment the supply. I repeat, sir, that to me it is matter of profound astonishment, that any man, representing upon this floor the interest of any portion of Tennessee, should, by his vote, paralyze the operations of the sugar plantations.

* When it was proposed to repeal the duty, Mr. VINTON, of Ohio, stated, in the House of Representatives of the United States, that a reduced duty would not affect the cost to consumers, though destroying a large amount of domestic capital and employment.

Mr. DODDRIDGE, of Virginia, said that he had seen $12 given in his country for a bushel of alum salt, and recollected when it was reduced to $5, because of the improvement of the mountain roads; but that the price remained at three dollars until the Kanawha works displaced the foreign article. He had seen the time when twenty-four bushels of wheat would not pay for one of alum salt; and, at the same place, he had seen salt so reduced in price, that a barrel of it would not pay for a barrel of flour. He supposed that a bushel of foreign salt had not been consumed in more than half of his (congressional) district for the fifteen preceding years; and thought, if such salt was wholly excluded, the whole quantity required would be furnished without inconvenience.

Mr. REED, of Massachusetts, referred to many proceedings of the Revolutionary Congress, to encourage the manufacture of salt, and, at the date of these resolutions, he said that the business had been commenced in his neighborhood, by evaporating sea water. That the capital now vested in the manufacture in Massachusetts amounted to 1,754,576 dollars, making, annually, 503,686 bushels of salt, equal to the best alum, or Turk's Island. That the repeal of the duty in 1807, though almost ruinous to manufacturers, rendered only a small and temporary benefit to consumers. That there were more than eight hundred small factories in his district, whose competition had reduced the price to thirty cents for fifty-six pounds of salt, (the duty being then twenty cents on that quantity,) and he estimated the whole capital employed in the domestic manufacture at eight millions of dollars.

Such a man must be manacled in party politics, and compelled to subserve the views of men rather than the good of his constituents. From such politicians may God preserve our country!

I have said, Mr. Chairman, what would be my course if I were legislating with a view to the interest of my constituents alone. But, sir, I am proud to announce to the committee that I go against destroying the sugar plantations, upon other and more enlarged considerations than merely because they benefit my constituents. I go against destroying them, because they form a link in that chain of policy which alone can make us independent of foreign Powers. Destroy these plantations, and you at once place us at the mercy, and make us dependent upon foreign Powers for every pound of this most essential and universal article of consumption; and in a short time we shall be compelled to pay at least double what we have to pay now. Sir, I call upon gentlemen to reflect before they destroy a system which has given us a better and a cheaper article than we ever had before. I recollect very distinctly when my constituents had to give for common brown sugar twenty-five cents per pound. They now get a much superior article for half that price. On these subjects of great national policy, the system must be taken altogether. The man who has to legislate on them ought to be able to survey the whole Union, and see how it will operate. It is in vain to legislate to promote the interest of one section of the Union, to the disparagement of all others. This partial and local system of legislation, I am proud to say, my constituents do not desire. They would feel the most profound contempt for any man who pretended to be a politician, and who was thus contracted and limited in his views of policy. They would laugh him to scorn; they would tell him that, in their estimation, he occupied in the political world the same station which the dry-land terrapin occupies in the animal world. Sir, my constituents are for the Union, the whole Union; and when they instruct me to vote to protect the sugar manufactures in Louisiana, it is not because they are immediately and directly interested in those manufactures, but because, as I before said, it is an important link in the great chain of national policy. For the same reason, sir, they have taught me to believe it was right to give protection to the cotton and woollen manufactures of Massachusetts. Massachusetts is one member of our national family. She is the venerable sister who rocked the cradle of our independence. I meet with no man who does not admit that Massachusetts did as much, if not more, than any State in the Union, in achieving that independence of which we all so proudly boast. Sir, in that protracted, but glorious struggle, she not only freely expended her treasure, but she consecrated the cause of liberty, by pouring out the blood of her noblest sons. She has been a great sufferer in building up this very policy which we are called upon to destroy. But gentlemen, in answer to all this, very phlegmatically say, Massachusetts has behaved badly in latter times. I agree, sir, that, at one period "in latter times," she did put on a good many airs; she scolded and flirted, and said many hard words; but she never has gone as far as some of her sisters have gone, before and since, although, in my humble opinion, she has had much greater cause of complaint than any of them have had. Massachusetts was emphatically a commercial State. Her vocation was upon the ocean. She was carrying on "free trade" with all the world, much to her own advantage as she thought, when she was interrupted by the introduction of the "American system" by Virginia. Gentlemen must not make wry faces when they are told that the seeds of this system were sown by Virginia. Sir, the restrictive system, the non-intercourse laws, and the embargo, which fell with such a heavy and disastrous hand upon the commerce of Massachusetts, had their origin in the Virginia doctrines of that day. These measures greatly crippled and weakened the commerce of Massachusetts. Yea, sir, they cost her millions. Before she had time to recover her wonted energies, she was again driven from the ocean by the late war. A succession of adverse events crowded upon her, one close upon the heels of another, until utter ruin seemed to be her certain doom. Her citizens were thrown completely out of employment; they saw every thing decaying and falling into ruin around them. These things produced very great excitement, as a matter of course; and the orators of the day said many foolish things, I have no doubt, and some of the people committed some foolish acts. But, sir, at their maddest period, they never went, by a stone's throw, as far as South Carolina has now gone. During the war we ascertained our weak points. We saw, as I before have stated, that we were dependent upon foreign Powers for the essential articles for carrying on a war. We of the South and West saw and felt the great necessity of building up some system of policy which would make us completely independent of all foreign Powers. The Virginia policy of protecting domestic manufactures by laying high duties on foreign goods imported here, was adopted in 1816, with increased energy. By this time, however, Massachusetts had recommenced her old and favorite pursuit, and was fairly again before the breeze, prosecuting a most vigorous and profitable commerce. But here, again, she was doomed to another sad reverse of fortune. We commenced building up the American system. We told Massachusetts that she must divide her profits with the manufacturer and the farmer. In short sir, by legislative act after legislative act, we drove her almost entirely from the ocean, and compelled her, in self-defence, to take shelter in the workshops. Yes, sir, we coerced her to commence manufacturing; and what her hand findeth to do, she does with all her might. She became reconciled to her fate, and determined to make the most out of manufactures that she could. And now, sir, just as she and others, who have, under the protection held out and extended by our laws, ventured all they have in that system, are beginning to realize some of its benefits, she and they are told by us, you must now turn your attention to something else; you must abandon your millions vested in manufactures; your profits are entirely too great. It is true, we could pursue the same business if we would; the tariff, or protecting laws, give us the same protection south of the Potomac that they give you north of it, but we do not choose to avail ourselves of these advantages, and we have determined you shall not. This is the state of things upon which we are now called to act, and I appeal to gentlemen to pause before they make this sacrifice. I, for one, cannot find it in my soul to do it; I consider it a ruinous step to the whole nation; I consider it most dishonorable and dishonest to withdraw now our plighted protection from those States who, under the presumed good faith of an American Congress, have embarked their all in the system. Sir, I represent liberal and enlightened freemen on this subject, and I will not do an act so totally unworthy of them as this would be; an act which they would disdain to do; an act which I should feel merited their frowns and their scoffs. My constituents, sir, have no feelings of ill-will to gratify towards Massachusetts, or any of the other States, and especially none towards Massachusetts. They feel that their interest can in nowise be promoted by destroying the prosperity of any of the New England States. Sir, since I have had the honor of a seat in this House, I have found none more willing to do justice to my constituents than the Representatives from Massachusetts, Connecticut, Rhode Island, and Vermont. My constituents know these things, and appreciate them. Many other most interesting views might be presented to the committee on this subject, but I feel that I have detained them already too long, and

will, therefore, pass on by merely glancing at one or two other subjects.

WOOL.

I will now, very briefly, notice the growth and manufacture of wool; and the first thing to which I will call the attention of the committee on this subject, is, the amount of capital vested in this business.

It is useless, sir, for me to make any comment upon this item; I therefore content myself with merely calling the attention of the committee to the amount of capital employed, the number of persons engaged and supported by it, and the amount of agricultural products consumed by it. He that runs may read, and every man can estimate for himself what the effect upon the community, particularly the farming community, will be by destroying this branch of our national industry.

The probable number of sheep in the United States is 20,000,000, and worth, on an average, two dollars per head, - -	$40,000,000
The sheep farms, generally, do not support three sheep to the acre, summer and winter, though the land be pretty good, and well managed. Of the 20,000,000 sheep, it is supposed that about 5,000,000 are in the State of New York, having had 3,496,539 in 1825, the latest returns at hand; and it is known that many of these sheep are fed upon lands worth from sixteen to thirty dollars per acre; and in Dutchess county, in which are over 500,000 sheep, the lands on which they are fed are worth about twenty-five dollars per acre. It is then probable that the average worth of farms in the United States capable of supporting three sheep to every acre throughout the year, is ten dollars the acre: 20,000,000 of sheep will require 6,666,666 acres, at ten dollars, - - - - - -	65,000,000
Capital in sheep, and lands to feed them,	$105,000,000
The 20,000,000 sheep produced 50,000,000 pounds of wool annually, the average value of which, for three years, 1829, 1830, and 1831, exceeded forty cents per pound, or $20,000,000. (The crop of 1831 was worth more than $25,000,000.) The crop of wool, having reference to the whole quantity made into cloth of various qualities, is worth $40,000,000, which is about the gross annual product of wool and its manufactures in the United States. If the woollen goods imported, valued at $6,000,000, be added, there will be allowed for each person in the United States three and a half dollars worth of woollen goods per annum, including blankets, carpets, &c., as well as clothing.	
The fixed and floating capital vested in the woollen manufactories in the United States, such as lands, water-rights, buildings, machinery, and stock on hand, and cash employed, may be estimated at -	40,000,000
Capital directly vested in the growth and manufacture of wool, - - -	$145,000,000
The proportion between the amount of wool used in the factories, and worked up by household industry, is as three to two, and, on the average, it will employ one person to work up 1,000 pounds of wool annually, or 50,000 persons in the whole.	
It is reasonable to suppose that each laborer subsists two other persons, say 150,000 in all, deriving a direct support from the woollen manufacture, or otherwise.	
Each person will consume at least twenty-five dollars worth of agricultural products annually, or $3,750,000 worth of subsistence.	
The average product of farms cultivated for the supply of food does not exceed two dollars and fifty cents per acre yearly, after subsisting the cultivators, and those dependent on them. It will therefore require 1,500,000 acres of land to feed those manufacturers and their dependents, worth, say, fifteen dollars per acre, is - - - - - -	22,500,000
Capital involved in the growth and manufacture of wool in the United States, -	$167,500,000

The annual value created by, or accruing to, agriculture, because of the growth and manufacture of wool, may be thus shown:

Wool, - - - - - -	$20,000,000
Provisions to manufacturers, - -	3,750,000
Fuel, timber, and other products of the land, supplied - - - -	500,000
Charges for transportation, and food of horses and other animals employed, because of the factories, - - -	500,000
	$24,750,000
The following should rightfully be added to show the whole operation of the woollen manufactures in the United States:	
For every 100,000 pounds of wool manufactured there is a constant employment, equal to the labor of six men, in the erection and repair of buildings, millwrights' and blacksmiths' work, and in the building and repairing of machinery, whether for wool worked up in the factories or in families, say 3,000 men, whose labor subsists at least 9,000 other persons, 12,000 in all, and consume each twenty-five dollars worth of agricultural produce annually, is - - -	300,000
	$25,050,000

Making the whole number of persons employed because of the manufacture of wool, 162,000, and requiring of the product of manufacture, for materials and subsistence, the very large amount per annum of $25,050,000. And it should be observed that there is no foreign market to which we can send our $25,000,000 worth of wool, and breadstuffs, and meats. It would all be as if annually lost to landholders and cultivators, were the home market destroyed in abandoning the manufactures of wool; and those who are now consumers of the products of agriculture must, of necessity, become producers, and lessen the prices of grain, &c.

COTTON.

The next subject is cotton.

The principal ground of complaint in the South is the fall in price of their great staple, cotton. A very brief statement of facts will set this upon its proper footing. A general remark, applicable to all branches of business, will apply to the growth of cotton in the United States:

that the demand has by no means kept up with the supply. The whole crop of cotton grown in the United States, in 1816, was about 68,000,000 pounds; the price of cotton that year was twenty-nine cents per pound; it fell the following year to twenty-six cents; in 1818 it rose to thirty-three cents; thus giving a most extravagant profit to the cotton grower of the South, and had the effect that great profits always have upon every employment in this country, where every citizen is at liberty to embark in any business that he may believe most profitable. Thus it was with the cotton business: and from 68,000,000 pounds in 1816, it has now increased to more than 300,000,000 pounds; and, as a matter of course, prices began to come down; and down and down they come, until that business is not much more profitable than other branches of agriculture, though I am told it is still something more so; and I have no hesitation in saying it would be much more decreased in price than it is, were it not for the home market which our manufactories create.

It is estimated that these manufactories of cotton consumed upwards of one-fifth of the whole cotton crop in the United States. South Carolina ought to reflect that, since 1816, the cotton-planting business has spread itself into the Southwestern States, and that they grow almost two pounds where the Atlantic States grow one; for instance, in 1831, the Atlantic States produced 148,000,000 pounds, and the Southwestern States produced 227,000,000.

These facts, to my mind, show conclusively the reasons why the price of cotton is down at its present low ebb, and they show equally that if it were not for the manufactories, which consume annually about 77,000,000 pounds of raw cotton, the price would be made lower than it is.

The capital employed in the cotton manufacture in the United States at this time, is estimated at $44,914,984. There are 23,300 men employed in this business, and 39,000 women, and 5,121 children under the age of twelve years. The wages paid to these men, women, and children, per annum, is $12,155,722.

The number of persons subsisted directly by the cotton manufacture is 131,481.

1,641,353 pounds of starch are consumed by them annually: 17,245 barrels of flour for sizing, are consumed by them.

46,519 cords of wood are used by them.

24,420 tons of mine coal, and upwards of 9,000 tons of charcoal, are consumed.

I omit many items, and enumerate these merely to show the intimate connexion between the agriculture and labor of the country and the cotton manufactories. Nothing can be more interesting than this subject, and, if I had time, I would pursue it through all its various ramifications, and show its effects upon the community; but I must pass on.

Glass.

I will read a short, but very interesting paragraph on the subject of manufacturing glass in the United States.

"On the whole, it seems quite reasonable to believe that the value of the glass manufactured in the United States is - - - - - $3,000,000
The amount of persons employed is - 2,140
Do. do. subsisted, - - 10,800
Do. wages annually paid, - 720,000
And this pleasing fact is manifest, that, while the workmen obtain high wages, by which they and their families are plentifully and comfortably subsisted, there has been a general decline in the selling price of glass, as compared with what it was before protection was afforded to this interesting manufacture, of about fifty per centum; and, further, that a large part of the materials used would have had but a small value, if any value at all, except because of these factories in many places.

"In the preceding amounts of persons employed or subsisted, or wages paid, no regard is had to the very numerous individuals employed by, or making profit upon the supply or preparation of materials, in the transportation of them, by land or water, the factories, or in the carriage of the articles made, to the markets for them; the value of all which must be much larger than the sum paid to workmen employed in the manufacture itself, which probably subsists, directly and indirectly, not less than 25,000 persons; affording for the whole an average annual value of $120 each, including, of course, interest on capital earned."

I have taken a very hasty view of some of the most important branches of American industry. The observations which I have made, have not been upon the details of the bill before us. That part of the subject has been most fully and amply investigated by several gentlemen who have preceded me in the discussion. I think it has been conclusively shown that, if this bill pass, the whole system of which I have been speaking, must fall to the ground. If gentlemen are really desirous of understanding the details of this bill, I beg them to commune freely with my friend who sits near to me, [Mr. Appleton,] who will take a great deal of pleasure in giving them any information on that subject; and I believe all parties admit that no gentleman upon this floor is more competent to the task.

Upon the whole, after diligent inquiry, after a patient examination of the whole system of protecting our own labor from foreign competition, a thing which all other nations do, I have been brought irresistibly to the conclusion that it has benefited the farmers; that it has benefited the mechanics; that it has benefited our commerce, foreign and domestic; that this system, (by a voluntary tax, if, indeed, it be a tax at all, when by it we get cheaper and better articles than we ever did before,) I say, that this system, while it has protected our own citizens, has supplied the current expenses of Government, has paid off an immense national debt, which otherwise must have been paid by grinding and oppressing the people by the most odious of all systems—a direct tax.

To show that it furnishes to the consumer cheaper and better articles of use and consumption among them, I need only enumerate a few leading articles of necessity.

Coarse cottons, when we had to rely on the foreign manufacturer, sold at from twenty to twenty-five cents. By the act of 1816, a duty of eight and three-fourths cents was imposed on the foreign article. This nearly excluded it, and made the business very profitable to our own citizens. The consequence was, as it always will be in this country of free and equal laws, that there was a great rush of capital into this business. The law held out equal advantages to every citizen in the United States, whether he lived in Georgia, Virginia, Pennsylvania, or Massachusetts. And I have been told by an honorable member of this House from North Carolina, that he knew of one establishment in that State, employing about one hundred thousand dollars of capital, that yielded its proprietor a profit of about twenty per cent.; and the honorable gentleman from Georgia, [Mr. Clayton,] I think, told us at the last session, in a speech which he delivered upon this floor, that he owned an establishment which yielded him a profit of fifty per cent. I am very much pleased at these profits of my southern neighbors, and hope more of them will embark in the business. In Massachusetts, Connecticut, and Rhode Island, the competition has been so great, that the profits to the manufacturer have been very much decreased; and the price to the consumer throughout the United States has been reduced by this home competition from twenty to twenty-five, down to

from six to seven cents per yard; and this is the effect, in my opinion, which adequate protection will have upon every branch of our home manufactures.

Lead formerly sold, in the Atlantic cities, at six and eight cents per pound; but since a duty of three cents per pound has been imposed on the foreign article, we now get it in Missouri at three and a half cents.

Window glass formerly sold from ten to fourteen dollars per ton.

A duty of three and a half dollars per one hundred feet on foreign window glass has brought the price down to the consumer to four and four and a half dollars per ton, instead of ten and fourteen. Every cottager now, if he choose, may enjoy the light of Heaven, without admitting the bleak wind.

Cut nails were formerly worth from ten to twelve cents per pound. By a duty of five cents on foreign nails, we get much better nails now at six cents per pound.

Copperas before the late war was very fluctuating in price, but most generally sold at three cents per pound. During the war it sold from seventeen to twenty cents. After the war we imposed a duty of two cents per pound on foreign copperas, and it now sells at two and a half cents per pound. And if we are wise, we never again shall be subject to the fluctuations of the foreign article, nor shall we be subject to the enormous price which we were compelled to pay during the late war.

When we imported our alum, we generally had to pay about seven and a half dollars per cwt. During the war the price rose to eighteen cents per pound. The price at present is three and three-fourths cents per pound.

Epsom salts were manufactured to a very limited extent, if at all, in this country, prior to 1824. While we relied upon the foreign manufacture, we had to pay from ten to twelve cents per pound. Under the act of 1824, a duty of four cents per pound was imposed on the foreign article. Under this protection, the manufacture of this medicine, of such universal use among all classes, and a timely dose of which has saved many a heavy doctor's bill, has sprung to very great perfection in our own country. At the time the duty of four cents was imposed by the act of 1824, the price, as I before stated, was from ten to twelve cents per pound. In 1826, it fell to seven and a half cents; and in 1831, a much superior quality could be bought at three and a half cents per pound.

If time would permit, this comparative view might be extended to almost every branch of this system which has brought our country to such an enviable height of prosperity.

But when these stubborn facts stare gentlemen in the face—when they are compelled to admit that the nation at large, and that every particular section of it is enjoying the highest state of prosperity, they then turn upon us, and say there is too much money in the treasury; and that, in order to exhaust and empty the treasury, this system must be pulled down. Sir, if other gentlemen thought on the subject as I do, we could soon employ the treasury surplus when there shall be one, much to the advantage of the people, and to the improvement of the country. I am now and always have been opposed to keeping much money in the treasury; but I would not tear down this system which has made us so prosperous and happy, and throw ourselves at the foot of British power and cupidity. No, sir, I would pursue a very different plan of emptying the treasury. I would build roads and canals. I would clear all our navigable watercourses of obstructions, so that the farmer might get to market with his produce. In short, I would carry on a judicious system of internal improvement. I would build up a system of education that should carry light and knowledge to every cottage in the remotest corners of the republic. Thus, sir, would this system make us independent of all the world; and, at the same time that it put money into circulation in the interior, it would greatly improve the physical and moral condition of the whole country.

But, sir, there is no surplus yet in the treasury; and I think my honorable friend [Mr. INGERSOLL] from the Committee of Ways and Means has shown, not only that there is not now a surplus, but that there will not be a surplus even as remotely as 1835. Sir, what are the facts on this subject? Why, the Secretary of the Treasury, in his annual report, tells us that, on the first of January there was a surplus of one million six hundred thousand dollars. Now, my friend, [Mr. INGERSOLL,] who belongs to the financial committee of this House, and whose peculiar province it is to examine into the state of our treasury accounts, (and, without intending to pay him a compliment, I understand, from all sides, that he is completely master of this subject,) what does he tell us about this surplus of one million six hundred thousand dollars now in the treasury? Why, sir, he says that there are one million six hundred thousand dollars in the treasury; but he tells us that one million four hundred thousand dollars of this surplus is composed, to speak in the financial language of the day, of "unavailable funds." Or, in plain English, sir, this sum of one million four hundred thousand dollars is composed of notes upon broken banks, which nobody will have, and which are likely to be funds in the treasury for some time to come. These are some of the blessed fruits of using the local State banks as places of deposite for the public funds. And from the seed which seems to be sowing, since the edict has gone forth that the United States Bank must go down, we have a goodly prospect of reaping a very bountiful crop of these depreciated, these rotten, these broken bank notes. Banks in every direction, anticipating the destruction of the United States Bank, are springing into existence, like mushrooms, between the setting and the rising of the sun.

In New York, on the 2d and 3d day of the present Legislature, there were petitions for thirty-four new banks in that State.

In Pennsylvania, eleven have been petitioned for from the country, beside those in the cities.

In Maryland, the Governor recommends a State bank founded on State funds.

In Alabama, one has been already incorporated with a capital of two millions.

In my own State, one has been incorporated with a capital of three millions.

The Governor of Kentucky recommended one of enormous capital.

In Ohio, I believe one has been incorporated with a capital of seven millions of dollars.

In Louisiana, a bank has been incorporated, with eight branches, and very large capital; the amount not exactly recollected.

In North Carolina, a bank has been incorporated, with a capital of two millions of dollars, with branches at discretion; and thus, and thus we proceed, cramming every hole and corner of the country with this stagnant paper of local banks, which is not able to travel a Sabbath day's journey without being depreciated fifteen and twenty per cent. We are in a very fair way to have a new and ample addition of shin plasters, as they were called by the old farmers when I was a boy. Yes, sir! Fayetteville, Virginia Saline, Owl Creek.

These notes, once sent out, they must fall somewhere, and nine times out of ten they will fall upon the laboring, the innocent, unsophisticated part of the community.

But, sir, I must return to the question of a surplus in the treasury; I hope the committee will excuse this digression.

We see, then, that, of the one million six hundred thousand dollars in the treasury, one million four hundred thousand dollars must be deducted for broken bank notes, which will leave then only two hundred thousand dollars for the surplus. Another item, with which the Secretary makes out his surplus, is seven hundred thousand dollars, which is the money deposited under the treaty of Denmark, and which belongs not to the Government, but to our citizens, who are entitled to it as an indemnity for spoliations which were committed upon them. This money is liable to be called for at any moment. It belongs to individuals, and can form no part of the surplus. This sum must be deducted, and then, instead of a surplus in the treasury on the first of January, we have an actual deficit of five hundred thousand dollars. Add to this the floating debt, or appropriations made heretofore by law, which are just as sacred as the funded debt, and which remain yet unsatisfied; and we have, instead of a surplus, an actual deficit of nearly six millions. The floating debt is five million four hundred and seventy-five thousand two hundred and two dollars and twenty-six cents. And the honorable gentleman proved conclusively, to my mind, that we shall not have a surplus in the treasury up to 1835. Who has controverted his facts or his argument? Did the gentleman from Georgia? Not one word. Did the member from Tennessee? He did not even squint at it. Did the gentleman from Pennsylvania? Not at all. Who then has met the argument of my honorable friend? Why, the chairman of the committee has attempted it. And how, sir? Does he deny the facts? No. He insists that this was the way the treasury was managed in the days of Mr. Lowndes. Yes, sir, in those days when we were borrowing money to defray the ordinary expenses of Government, and could not possibly make the two ends meet. The gentleman has forgot that the administration was then striving to hide its poverty, and was keeping up appearances as well as it could, to the end that it might borrow money. This policy does not harmonize well with a surplus in the treasury. The honorable chairman seems to be disposed to conduct the finances of the nation upon the same plan that an individual would do when he would borrow money of one man to pay another. This is wretched policy in private life, and I cannot believe it is much better in public.

I think, Mr. Chairman, that it is shown most conclusively that the surplus in the treasury does not call upon us, at this time, to apply the pruning knife. So I cannot vote for this bill with a view of getting rid of a surplus in the treasury.

Some gentlemen talk of destroying this system because they say they are in favor of "free trade." Sir, do gentlemen know what they mean by "free trade?" If they mean what I expect they do, I take the liberty of telling gentlemen there is no such thing as "free trade." It never has, I expect it never will exist. All the parade which Mr. Huskisson has made about the free trade system in England amounts to nothing. I should be glad if gentlemen who talk about "free trade" would oblige me so far as to let me know what articles of our produce are admitted into the English ports upon the "free trade" principle. Our great staples are every one (unless cotton be excepted) virtually, if not expressly, prohibited.

But suppose England was in good earnest on the subject, and would take off all her restrictions, if we would take off ours, I ask gentlemen if they would be willing to do it? England has too much capital. Her system has too much age. She has too much experience. Her labor is too cheap, unless we want to reduce our laborers to the low and degraded condition of English laborers. Our laborers are not prepared to work at nine pence a day, as the English do; and I hope the time is far distant when they will be driven to that necessity. English manufacturers are at least two centuries in advance of ours. With all these advantages, it would not only be folly, but it would be perfect madness in us to enter into competition with England, on what gentlemen are pleased to call free trade.*

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* "As early as 1699, Parliament declared 'that no wool, yarn, or woollen manufactures of their American plantations should be shipped there, or even laden, in order to be transported from thence to any place whatever.' This was the commencement of restrictions on colonial manufactures.

"In 1719, the House of Commons declared 'that the erecting manufactories in the colonies tended to lessen their dependence upon Great Britain.'

"While the colonies were increasing in population, and endeavoring to secure to themselves, in some degree, the benefits of their own industry and economy, complaints were constantly made to Parliament by interested individuals, that the colonists were not only carrying on trade, but were setting up manufactures detrimental to Great Britain. These complaints produced an order of the House of Commons, in 1731, directing the Board of Trade to inquire and report 'with respect to laws made, manufactures set up, or trade carried on, detrimental to the trade, navigation, or manufactures of Great Britain.'

"In a report made in pursuance of this order, the commissioners found that certain trades carried on, and manufactures set up in the colonies, were injurious to the trade, navigation, and manufactures of the parent country.

"Among the manufactures were enumerated those of wool and flax, iron, paper, hats, and leather.

"The commissioners conclude their report by saying, 'from the foregoing statement, it is observable that there are more trades carried on, and manufactures set up, in the provinces on the continent of America, to the northward of Virginia, prejudicial to the trade and manufactures of Great Britain, particularly in New England, than in any other of the British colonies; which is not to be wondered at, for their soil, climate, and produce, being pretty nearly the same with ours, they have no staple commodities of their own growth to exchange for our manufactures, which puts them under great necessity, as well as under greater temptations, for providing for themselves at home; to which may be added, in the charter governments, the little dependence they have upon the mother country; consequently the small restraint they are under in any matters detrimental to their interests. And, therefore, we humbly beg leave to report and submit to the wisdom of this honorable House, the substance of that we formerly proposed in our report on the silk, linen, and woollen manufactures herein before recited, namely, whether it might not be expedient to give those colonies proper encouragement, for turning their industry to such manufactures and produce as might be of service to Great Britain, particularly to the production of naval stores.'

"The company of hatters in London complained that great quantities of hats were made in New England, and exported to Spain, Portugal, and the British West India islands; and, through their influence, an act of Parliament was procured, not only to prevent the exportation of hats from the colonies to foreign countries, and from being carried from one plantation to another, but to restrain, to a certain extent, the manufacture of them in the colonies. In 1732, hats were prohibited from being shipped, or even laden upon a horse, cart, or other carriage, with an intent to be exported to any other plantation, or to any place whatever. At the same time, no hatter in the colonies was allowed to employ more than two apprentices at once, or to make hats, unless he had served as apprentice to the trade seven years; and no black or negro was permitted to work at the business of making hats.

Sir, let me give these "free trade" gentlemen a specimen or two of the duty which is laid on our principal staples:

Cheese, three dollars and fifty cents per cwt.

Cider, one hundred dollars and eighty cents per two hundred and fifty two gallons.

Wheat, per quarter of eight bushels, varies; when it is worth sixty-one shillings, the duty is six dollars and sixteen cents; when seventy-two shillings, it is twenty-four cents; that is, when it is one dollar and eighty cents a bushel, and under, it pays a duty of seventy-seven cents a bushel; but when it rises to two dollars and sixteen cents a bushel, the duty is only three cents a bushel. This rarely happens.

Barley, oats, rye, wheat meal, flour, oat meal, Indian corn, pease, beans, &c. have duties in the same ratio to their value.

Printed cottons, seven cents the square yard; ours are eight and three-quarters cents the square yard.

Glass—

Crown, per cwt., forty dollars.

German sheet, per cwt., forty-eight dollars.

Hay, five dollars and seventy-six cents for eighteen cwt.

Hides, tanned, forty per cent. ad valorem.

Hoops, from one dollar and eighty cents to three dollars and sixty cents per thousand, according to the length.

Horses, four dollars and eighty cents each.

Lambs, prohibited.

Leather, and manufactures of, thirty per cent.

The duty on beef and pork amounts to a prohibition.

If any gentleman upon this floor will take the trouble to look into this British tariff, [holding up one in his hand,] and after that will insist upon his "free trade" system, I, to say the least, shall consider him incorrigible, and bent upon the destruction of our own farmers, mechanics, and laborers.

I will not vote for this bill now, because the ink with which the bill of the last session was engrossed is hardly dry on the parchment. And we are now called upon to do all that work over again. We spent too much time and too much money at the last session in passing that bill for me now to give my vote to destroy it before I have tried it. Sir, it is a universal principle with me never to condemn any thing untried; particularly any thing that cost as much time, as much labor, and as much money, as that bill did. How much time did we spend at that bill last session? The journals will speak on this subject. I should like to know how gentlemen can justify themselves to their constituents in the course they have pursued upon this subject. I remember well, that, last session, whenever a proposition was made to adjourn, gentlemen cried no! no! We will never adjourn until this difficulty about the tariff, as they call it, was settled. Yes, sir; these very gentlemen kept us here until the 16th of July, for the avowed purpose of accommodating the difficulty between the North and the South. The whole country was ransacked for testimony on the subject. I spent day after day listening to long and luminous speeches on the subject. We finally agreed upon a bill. It contained some features I did not like. I thought it yielded too much to the South. I was apprehensive that the reduction of the revenue would be too great and too sudden. But I was told by the moderate men of both sides of the question that it was best to have it settled, and that it must be done upon principles of compromise; that this bill would settle the question, and that the country would be quieted; the Union would be preserved; and every body would know then what to depend upon. A few of the nullifiers and a few of the ultra tariff men voted against the bill. It was admitted that the bill made great and important concessions to the South. The reduction of the duties was very great, and particularly on articles of Southern consumption. The aggregate reduction was then, when all the facts were fresh before us, estimated at not less than five millions, and some rated it at eight millions. The bill passed by two-thirds of the votes of this House; and, according to the doctrine of the nullifiers themselves, this bill was a constitutional one. It was hailed every where as the harbinger of more steady and quiet times. It seemed to give such universal satisfaction, that I felt proud that I had voted for the measure, although I felt at the time that I had yielded too much to appease the South.

But, sir, to my utter astonishment, before we were warm in our seats here, the Committee of Ways and Means step into the shoes of the Committee on Manufactures, and have presented us with this bill, which levels at one fell blow the whole system of American industry; and gentlemen get up here and tell us that they do not intend to speak, but they intend to vote; that minorities may speak, but majorities must act. They seem determined to force the bill through the House *per fas aut ne fas*. Here is a scrap of Latin for you too, sir; but I believe it does not require to be translated to the House. But if the honorable gentleman from Georgia [Mr. WILDE] had not been so kind and condescending as to explain to us his Latin and French* the other evening, I should have felt it necessary to buy myself a Dictionary of Quotations. I can get Latin and French enough of my friend Pishey Thompson, on the avenue, for a dollar and a quarter, to do me the whole session. But, if other gentlemen will follow the example of the honorable member from Georgia, I shall be saved that expense.

But to the subject again: I should be glad if gentlemen, who voted for this bill in July last, would condescend to tell me what new lights they have had on the subject since, that they will now vote to repeal that bill be-

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"The manufacturers of iron next claimed their share in the benefits to be derived from the colonies. They were willing the poor colonists should reduce the iron ore, with which their lands abounded, into pigs, and even bar iron, and that the same be brought to their doors duty free, provided they could monopolize the manufacture of it beyond this incipient stage. In the year 1750, Parliament permitted pig and bar iron to be imported from the colonies into London duty free, but prohibited the erection or continuance of any mill, or other engine for slitting or rolling iron, or any plating forge, to work with tilt hammer, or any furnace for making steel, in the colonies, under the penalty of two hundred pounds.

"More effectually to carry this act into execution, every such mill, engine, plating forge, and furnace was declared a common nuisance, and the Governors of the colonies, on the information of two witnesses, on oath, were directed to cause the same to be abated within thirty days, or to forfeit the sum of £500."—*Pitkin's Political and Civil History of the United States*, vol. 1, pp. 101, '2, and '3.

* The Hon. Mr. MUHLENBERG, of Pennsylvania, in an eloquent reply to this speech of Mr. WILDE, in allusion to the number of Latin and French quotations, which he [Mr. WILDE] had made, said that he [Mr. MUHLENBERG] would make a quotation too, but it should not be in Latin or French, but it should be in the language of those from whom he said he was proud to say he himself had descended. He said it should be in German, and was this—

"Thue recht, fuerchte Gott, und sheu selbst den Teufel nicht."

He said he supposed he must follow up the example of the gentleman, [Mr. WILDE,] and give the translation. He said that much of the beauty and strength of the original would be lost in the translation, but he would give it.

"Do what is right, trust in God, and fear not even the devil."

fore it goes into operation. Sir, do gentlemen know that it will not answer every purpose for which it was intended? But gentlemen say we must save the Union; that South Carolina has taken her stand, and, unless we repeal the tariff laws, she will dissolve the Union. Yes, sir; South Carolina gave us until the 1st of February to repeal the laws; and if we do not, she will do it for us, by a process of nullification. And gentlemen here seem frightened almost out of their wits for fear that the awful crisis (1st of February) will arrive before we comply with her peremptory, unreasonable, and disloyal commands. If I had no other reason for voting against this bill, the attitude which South Carolina has assumed would be all-sufficient for me. I will not legislate with a bayonet at my bosom. I will not yield to the demands of nullification. I will make no compromise with those who trample the constitution and laws of my country under foot. No, sir! Let South Carolina strike her flag of rebellion; let her stack her arms; let her spike her cannon; let her say, and let her show us by deeds, that she is for the constitution, the laws, and the Union, and then, sir, I will listen most patiently to her story of grievances, whether imaginary or real; and I, for one, will do all in my power to give her satisfaction and contentment.

But, sir, is there any gentleman here who has told us, or who will now tell us, that this bill, if passed into a law, will be satisfactory to her? The gentleman from Georgia seems to be as familiar with the leading nullifiers of South Carolina as any body. He has told us a long story about having acted as second to some of them on the banks of the Savannah, and, from his deportment here, I should think he was following his old employment. He seems to be second to nullification here. At any rate, he seems to be her principal spokesman in this House. Has he told us that South Carolina will be satisfied with this bill? Not he. If we are to infer any thing from what he said, it is that she will not be satisfied. He avowed that no man had any right to pledge South Carolina to this bill. Here are we destroying the country in order to save the Union, and will most certainly fail in the object we are attempting. I consider any action by this House, at this time, as improvident and unwise, if not criminal. Any thing we may do here this session on this subject, will be considered as a concession to nullification. It will be considered throughout the country as a yielding to its demands by us as the representatives of the whole people. It will be hailed by South Carolina as a glorious victory. Whether she believes it or not, she will say she drove us into the measure; and by this very act of ours, this pernicious shrub may strike root in our soil; it may require much treasure and the shedding of much blood before it can be extirpated. It were cruel to them, in my opinion, to let them proceed further in their parricidal career. It were mercy to them to stop them now, even if it must be done by shedding of blood. Stop them peaceably if we can, but forcibly if we must. My advice is, to stop them now, and at once. In my judgment this would be noble economy of human life and of human blood. For, sir, if we, through a want of independence and decision, should, by any act of ours, give countenance to this wild, distracting, and jargonizing system, it may gather strength from one cause or another, and the union of the States may be dissolved, and the ploughshare of desolation and slaughter may pass fiercely over millions of our innocent and unoffending people.

I repeat, sir, that South Carolina has said she would be satisfied with nothing short of an abandonment of the protective system. To this I can never agree. Sir, would she in a few years, if we yield to her demands now, agree to pay even a revenue duty? She has furnished, in my mind, some indications that if she succeeds in prostrating the protection which is given to our own citizens, she will next refuse to pay even a revenue duty. Sir, there are some circumstances that look very much as if South Carolina had been tampered with by our great rival across the water. Things look a good deal as if she had taken it into her head that if she was once out of the Union, she would be able to form connexions more advantageous than those by which we are at present surrounded. And there are not wanting enemies to this Union, who, like the serpent, are twining themselves about her, and impressing it upon her that she is oppressed and badly treated here; and that it would be much to her advantage to separate from us. It is a notorious fact, that a foreigner by birth, and to this day, I believe, a foreigner in feeling and sentiment, has dwelt in her own bosom, and has been constantly pushing her forward to the attitude which she now occupies.

I hold in my hands the United States Telegraph of the 20th December last; and I invite the attention of the committee to an article in it, which I will read, and which, in my opinion, goes strongly to confirm what I have before said on the subject of South Carolina desiring a connexion with our old enemy and great rival across the waters. I will read the text, and then the commentary, both of which, in my opinion, are entitled to be specially noticed at this critical juncture of our affairs.

"My friend admitted all I said to be true. But," said he, "if we were not so perplexed with our finances at home, we would soon put a stop to the rising greatness and prosperity of the United States." "And how?" said I. "Why," said he, "we would instigate the Southern States to rebel against the other States; we would convince the people of the cotton-growing States that your tariff oppresses them, and we would offer them such protection and such commercial advantages, as would induce them to rebel; and in less than five years we would produce a separation of the Union." "But," said I, "probably you would be disappointed; you know you calculated on the Eastern States joining you during the late war, but you were disappointed, and probably you would be disappointed again." "No," said he, "we know better how to manage these matters; we could with our fleets protect them, and our merchants would take their produce and carry to them manufactured articles, duty free, for their own use, and for the purpose of smuggling into the other States, and thus, by these and other means, (which I understand to be a liberal application of secret service money,) we would soon put a stop to the increasing wealth, power, and independence of your country."

This, sir, is the text; now let us have the commentary. The editor says:

"The preceding is from the New York Advocate, and contains a part of a conversation between an Englishman and one of the great men in London, some years ago. It is published by the Advocate as, in its opinion, throwing some light on the late transaction in the South. We should have thought that a very small share of discretion would have prevented the Advocate from taking such a position, as it surely is not much calculated to aid his cause.

"If it be believed at the South, does the Advocate expect that such a belief will act as an inducement to the people of the South to relax in any exertion to get clear of the tariff? If it be believed by the friends of the tariff, will it encourage them to persistance in their measures, by showing that they have greater obstacles to encounter than they have previously thought they had?

"The Advocate has outwitted itself. We publish it for what it is worth."

This article, in my opinion, proves at least the freedom of the press in this country. The editor of this paper is the public printer of the United States to both Houses of Congress; and while we, the representatives of the people, are here in session, these sentiments have been pub-

lished and proclaimed almost within the portals of the capitol. This paper, too stands at the head of the whole corps of nullifying newspapers; and I believe the editor understands the feelings and views of the nullifiers as well as any man does. When I first read the text in the Telegraph, before I got to the commentary, I felt sure that the editor had published this alleged conversation for the purpose of giving it his most decided reprobation. But, sir, to my mind, instead of reprobating, he has endorsed it. Instead of denouncing it as a slander, as I expected he would, he gives us to understand that it may be true, and that we had better mind how we deal with South Carolina. In my opinion, it warrants this construction most fully. Sir, we are told here that it is not much calculated to aid the cause of the Advocate. What is the cause of the Advocate, I ask? Why, it is the cause of the Union of the States. And the editor of the Telegraph pays the people of the South but a poor compliment when he insinuates that it is only necessary for them to know that Great Britain will give them countenance and take them into favor, to turn them against their own country. He says the publication of this alleged conversation is calculated to have this effect, if I understand him. At least, it would so operate in the South. I do not know how far the people of the South have lost their love of country; but if they can tamely submit to such an imputation as this conveys upon them, they must be pretty far gone. Such an imputation would inflame and excite my constituents to the highest pitch of indignation. They would lose no time in repelling it as a foul calumny.

Mr. Chairman, I have no unkind feelings towards my brethren of the South; and especially, sir, have I none towards the talented and eloquent sons of South Carolina. But, sir, while I say this, I must be permitted to say that for their political principles I entertain the most unyielding and the most uncompromising hostility. But, sir, the people of the South have my compassion rather than my enmity. I look upon them as laboring under a most fatal delusion. I hold the present administration culpable, to a very great degree, for the unfortunate attitude which South Carolina has assumed. For the last four years the whole tendency of the Government has been towards anarchy. Sir, the doctrines of the numerous veto messages which we have had within the last four years, have all tended powerfully in that way. They have created a deep-rooted jealousy among portions of the people, adverse to this Government and all its institutions. They have tended to array one section of the Union against another. They have been calculated to array one class of our citizens against another, and none of these more so than the doctrines of the bank veto. These things, I have no doubt, have had their weight with South Carolina. She thought, as the administration practised upon the disorganizing and jacobinical principles, that she might do the same. She saw Georgia trampling the constitution, the treaties, the laws, and the Supreme Court of the United States, under her feet. She heard the President tell the poor Indian that he must submit to Georgia, for that he, the President, had no power to stay her ruthless hand. She saw all these things, and she lent her aid in pushing them on. She thought that the President had gone so far in these directions, that it was impossible for him to retrace his steps, and that he would be compelled to stand by and see her play the game out by dissolving the Union.

But, sir, the President has found that he has lent an easy ear to the wicked counsellors too long. He finds, although he has been re-elected by a triumphant vote of his fellow-citizens, yet there is confusion, distrust, and dissatisfaction hurrying the Government to the verge of anarchy. He sees that if he goes on with these doctrines of the privy council, that inevitable ruin awaits the country; and I do verily believe that if they had been persevered in, this Union would have been dissolved before the end of this administration. The President saw the mistake he had committed. He saw that "State rights," a plausible name, which artful demagogues have used to conceal the odious principles of nullification which they were disseminating, must lead to nullification and a dissolution of the Union.

Permit me to remark here, sir, that it is in vain for any gentleman to attempt to draw a distinction between "State rights and State rebellion--State rights and nullification." In my opinion, they all mean exactly the same thing. Whenever the doctrines of "State rights," as insisted upon by the Virginia school, are acted out, they must necessarily end in nullification and State rebellion. Against these doctrines I have uniformly raised my voice, and shall continue to do so, regardless of the source from whence they emanate, or of the hue or of the form which they may put on. I say, sir, South Carolina was mistaken in supposing that the President had been so far led along by her and Georgia, and others that had gone so far into these State right doctrines, that he could not retreat, but must fold his arms, and look on and see her nullify the laws, and dissolve the Union. Yes, sir, in this South Carolina was mistaken, and I am proud she was mistaken, for I confess I had some misgivings myself.

Although I felt very certain the President wished to return to the sound doctrines which he had before so steadily maintained, particularly while he was in the Senate of the United States, yet I confess I did not see how he was to escape from the dilemma into which he had been drawn by his friends. I brooded for weeks over this sad and frightful state of things, by which I saw my country surrounded. I was almost ready to do that which no good citizen ought ever to do. I was almost ready to despair of the republic. The annual message thickened the gloom by which I was surrounded. To me, sir, it made darkness visible. But the overruling hand of Providence sometimes bringeth good out of evil. The bold, daring, and reckless movements of South Carolina aroused the old man from that false security in which his parasites had lulled him to repose. He saw the Government which he had been called upon to administer by a confiding people, on the crumbling verge of ruin. One more step, and that Government, and that people, would have been plunged into irretrievable wo and wretchedness. He made a sudden pause—and, to the utter astonishment of all parties, friends and foes, he whirled right about, and, at one leap, he cleared all the difficulties which lay in his way—veto messages, Georgia, nullification, and all, were quite thrown out of the view. He called a council of his prime ministers; and it was solemnly determined that the only expedient and safe mode of administering this Government was that which had been adopted by the father of his country, the good, the great, the illustrious Washington. The result of this council was the proclamation. Sir, you all know that I have never been in the secrets of the cabinet. This proclamation, therefore, took me by surprise. I was sitting one evening in the hotel, in silence and melancholy: I had been meditating on the distracted and wretched condition of my country, until I felt perfectly desperate, ready almost for any state of things that might come. I had arrived at the conclusion that a civil war was certain. Just as I was at the lowest point of depression and desperation, I was startled from my reverie by a friend, who asked me if I had seen the President's proclamation. Proclamation, said I--No. He handed me a copy. I immediately rose and went to my room, lighted my candle, and commenced reading. I found it replete with sound doctrines, which had always met my hearty approbation; and, by the time I had finished it, I found myself rising involuntarily from my seat, and, for the first time in my life, I was almost ready to shout huzza for Jackson! But when

the first transport had passed away, I began to think it best not to halloo until I got out of the woods. I began to think of the doctrines of the bank veto. I began to think of the violated faith of the nation with the poor and helpless Indians. I began to think it was impossible that the President, after what he had said and done, could now be serious in promulgating these doctrines; the very reverse of which had been practised for the last four years. These reflections crowded upon me, one after another, until they fell like a cold and heavy sickness upon my heart. These doubts and misgivings remained with me until the President sent us his most excellent message, which followed up and reasserted the doctrines of the proclamation in a mild and dignified, but determined tone, which convinced me that he was in earnest; that he had taken his stand upon the same ground on which our beloved Washington stood during his administration. And so long as he stands upon this ground, he shall receive my decided and unequivocal support. And I believe this is the determination of all those gentlemen with whom it has been my pleasure most generally to act upon this floor.

I have nothing to hope, I have nothing to fear, from this administration. From the very first moment that I entered the political arena, the overwhelming popularity of the present Chief Magistrate was seized by every demagogue within my sphere of action, and wielded, by all, for my political, and, by some of them, for my personal destruction. To the truth of this, there are many here that can bear testimony. My political existence has been preserved by the virtue, the intelligence, and the proud and noble independence of the freemen of Tennessee. My personal existence has been preserved by the miraculous interposition of Him whose wisdom directeth, and whose power controls the destiny of all things.

Believing that the President, at this time, has taken a correct position; believing that he has taken the only position which can preserve this Union; believing that he has planted himself by the constitution and laws of his country, God forbid that I should throw the least obstruction in his way. No, sir; when the vessel of State is dashing among the rocks and whirlpools of political faction, it is no time for us, who really wish to save the ship, to be cherishing our individual grievances of time past: but every man should offer up, upon the altar of his country, all his personal and political injuries. I, for one, sir, stand ready to make this sacrifice. To sustain the constitution and laws of my country, I pledge this right arm, and, with it, the last drop of blood that warms and animates my existence.

FRIDAY, JANUARY 25.

The House having again resolved itself into Committee of the Whole on the state of the Union, Mr. WAYNE in the chair, resumed the consideration of the

TARIFF BILL.

Mr. ARNOLD took the floor, and continued till past 3 o'clock in conclusion of his speech against the bill, as given above.

Mr. CAMBRELENG, of New York, next addressed the committee. It was my misfortune, said he, not to be present at the commencement of the speech of the gentleman from Georgia, [Mr. WILDE.] But we had some account of it last night in the remarks of the gentleman from Ohio, [Mr. VINTON,] and I have heard much more from other sources; and, sir, judging from the impression made upon the committee, the gentleman from Georgia, whether skilful or not, seems to have cast his net far and wide upon the waters, to secure friends for the measure under consideration.

That gentleman appears to have referred especially to New York, and to have appealed to her delegation; and particularly to the friends of the Vice President elect. I am sure, sir, that, whatever may have been the character of his remarks, had I been present, I should have had no occasion to complain of the language of the gentleman from Georgia—I rely too confidently on the uniform courtesy and urbanity of that gentleman, to believe that he would, on any occasion, violate the strictest rules of propriety and decorum: he must, however, pardon me, sir, for expressing my surprise and regret to learn that he should have referred, in any manner whatever, to one of those miserable effusions which are daily despatched hence by the many spies in Washington; that he should have condescended to notice an anonymous communication charging the Governor of our State with attempting to influence the votes of my colleagues on the question before us. The gentleman from Georgia, I understand, disclaimed all confidence in the story; I know, sir, that he is too candid and too just to believe in such fabrications. If gentlemen desire to know the opinions of the Governor of New York upon the question of a reduction of the duties, they are to be found in an authentic shape, recorded in his message to the Legislature of that State. But it is not necessary, sir, to detain the committee for the purpose of vindicating a character without reproach, and as far beyond the reach of the poor calumnies of any "spy in Washington," as my colleagues are above the control of any influence but those which direct the judgments of patriotic and just men.

But, Mr. Chairman, an appeal was made to the friends of the Vice President elect; and I understand that it was intimated, at least, that to promote his popularity in the South, it was necessary for them to support the bill under consideration; in other language, whatever might be their principles, they must be surrendered to personal and political considerations. There are some propositions, sir—some appeals, that no language can render acceptable to those to whom they are addressed. No matter in what fascinating manner the gentleman from Georgia may have appealed to my colleagues, though the suggestion may have been wreathed in poetry, every member addressed must still have felt himself called upon to reject an appeal, implying such a destitution of manly independence and political integrity. I am at a loss to discover, sir, in what part of the political history of our State it is, that the gentleman from Georgia finds the evidence that her delegation have ever sacrificed principles for men. Is it, sir, in the political revolution of 1800, when New York aided so materially in establishing those principles of Government which have latterly found so many proselytes? Was it in any one of our contests from that time till 1812? Was it in 1814, sir, when our State was the theatre of war, when we had two frontiers lined with troops; and when on a another quarter we presented an impregnable rampart against the assaults of threatened secession, then believed to be no better than rebellion? Is it in any part of this history that the gentleman from Georgia finds New York sacrificing principles for men? [Mr. WILDE explained.] It gives me pleasure sir, to hear the gentleman from Georgia disclaim any intention to question in any way the principles or integrity of New York. I have again reason to express my regret that I did not hear the commencement of his remarks; they had been reported to me; others had referred to them in debate, and mine was certainly the impression generally made upon the committee. I am happy, sir, to be undeceived. I thought, sir, that the gentleman from Georgia, with whom we have so long acted, could not mistake the political character of our State. I need not remind him of our memorable contest in 1824, when, deprecating all humiliating allegiance to men, and disregarding personal considerations, the republicans of New York sacrificed themselves in an effort to sustain the principles which were established in 1800;

when Virginia, North Carolina, Georgia, and New York, were almost alone in maintaining the republican maxim of "principles, not men." We were defeated, sir; but we have survived the contest: we are still acting together, and in a greater cause: and I trust that, whatever speculative differences of opinion may exist, we may, in a patriotic spirit of mutual concession, continue forever united in measures to preserve the harmony, the constitution, and the Union of our country. Our State has hitherto responded to every appeal to her patriotism and justice, and I feel assured, sir, that she will not be found wanting in the present most interesting crisis in our affairs.

The gentlemen from Georgia and from Ohio [Mr. VINTON] must pardon me for deprecating the character and tendency of their remarks. The political allusions of the former to coalitions, past or prospective, and the pictures of the latter, of rivers of blood, and millions of our slaughtered countrymen, are poorly calculated to lead us to a calm, dispassionate, and just decision of the measure under consideration. The gentleman from Georgia must excuse me for saying that the course of the gentleman from Ohio is most politic, and best adapted to accomplish his purpose, which is to defeat the bill. If we are to be driven from a cool, candid, and just examination of this question; if geographical prejudices are to be substituted for national patriotism—passion and imagination for reason and judgment—then, sir, may we abandon all hope of any adjustment whatever, now or hereafter. I had hoped, sir, that we should have excluded from this debate all arguments addressed to our political hopes or fears; all appeals to our local jealousies. Our country has surely suffered enough in the last seventeen years, from the unhappy influence of personal ambition, whether of the East, the West, the North, or the South; our sectional prejudices have been appealed to, and our Union has been brought to the verge of dissolution. I had hoped, sir, that for once we might have a truce of politics; that for once we might meet on broad national ground; and, discarding every local, personal, or political consideration, debate and adjust a question upon which certainly the harmony, and perhaps the integrity, of the Union may depend.

Sir, the difficulties about this question are not so great as they were—not so formidable as gentlemen imagine. The chief obstacle is now removed. We now hear on all sides the republican doctrine, that our revenues must be reduced to the amount necessary for our federal expenditures. I congratulate you, sir, and every friend of his country, on this important concession of the opponents of this bill, on this great revolution in the sentiment of this House. The main point is settled; we have now only to adjust the minor questions of the amount necessary for our annual expenditures, the mode of the reduction, and the time when this adjustment of our revenues shall be made.

It is with regret, sir, that I differ with the committee who reported this bill, and who deserve so much credit for the zeal and ability they have displayed in adjusting the details of a very difficult measure. But in assuming fifteen millions as the amount of revenue necessary for our federal expenditures, they have, I think, made an unfortunate admission. Because we are out of debt, we must not be prodigal. The States are not in the same condition; the debt of Pennsylvania is in a ratio to a federal debt of one hundred and eighty millions; and we should not forget that the largest portion of the burdens of the country are necessarily authorized by our town, city, county, and State Governments. Our federal expenditures have increased faster than our population; the average for the first seven years after the adoption of our constitution was less than two million seven hundred thousand dollars; that for 1822—'3—'4, was about ten millions, including pensions; and that for 1829, '30, and '31, thirteen million two hundred and fifteen thousand dollars. My policy, sir, has uniformly been liberal in regard to our national expenditures, in some instances even more so than the committee that reported this bill. But I had supposed, that considering the increase of our expenditures for internal improvement subsequent to 1824, and that that branch of expenditure would be necessarily diminished, we might, without detriment to the public service, apply such diminution to those objects which have attracted the attention of the committee. I may be told, sir, of extraordinary expenditures for pensions, Indian wars, &c.; but how, may I ask, are we to employ the millions which must inevitably accumulate in the treasury before we can possibly reach, under any modification of the tariff, the minimum duties it is proposed permanently to establish? Your bank stock is an offset to your public debt, leaving your whole surplus for years to come applicable to any temporary excess of expenditure. Had the bill of the committee become a law as reported, in three years the probable excess of revenue, according to their own statements submitted, would have amounted to between thirteen and fourteen millions. Besides, we must consider the effect of substituting revenue rates for prohibitory duties, or duties having a prohibitory tendency. Reduce our imposts as we may, sir, we shall not avoid, for some years to come, a surplus of revenue beyond the wants of Government. Why then should we make provision for two millions additional revenue? If our revenue was stationary or retrograding, there might be some reason for it; but, with a population, trade, and revenue uniformly progressive, our difficulty is not how to provide for a deficiency, but how to guard against too great a surplus of revenue. Establish your minimum revenue where you may, and you will find it outstripping your estimate in a very few years, and demanding a further reduction. Our permanent expenditures will reach fifteen millions soon enough, without any suggestion or provision by the committee. The inevitable effect of providing a surplus of revenue, will be to encourage extravagance in our federal expenditures; the latter will always overtake the former, make it what you may; the proposition of the committee is essentially nothing less than a recommendation to perpetuate an additional revenue of near two millions from imposts.

We have another expedient, sir, from an opposite quarter, designed to augment, permanently, our revenue duties to the extent of three millions annually. We are to lose our income from public lands. We are not, sir, disregarding special obligations, about to adopt a more parental and enlarged policy in regard to our public domain. We are not rejecting all unnatural jealousies, and rejoicing, as we ought to do, to see our population spreading to the borders of Mexico, and to the extreme mountains of the West. We are not about removing every obstruction to the growth, prosperity, or improvement of every portion of our vast territory. No, sir; the proposition springs from no friendship to the rising West; it does not propose to discontinue the revenue from public lands, but to draw from thence an annual income to be distributed by the Federal Government among the several States; in order, sir, that this deficiency may be supplied by an augmentation of our revenue from customs, and that an equal tax may be levied upon the country in another form! Nay, sir, it is still worse; the States are to receive about three millions, that the people of those States may pay back annually into the federal treasury the same three millions, together with all the expenses of collection! Such is the scheme of finance recommended to us by gentlemen of intelligence and distinction. They must pardon me, sir, if I cannot perceive the substantial difference between this proposition and another for distributing our surplus revenue among the States, which, not three weeks since, this House, and wisely too, refused to

consider by a vote of more than two to one. We shall not probably adopt this measure, at least for some years to come, unless we are prepared to do an act of palpable injustice to one portion of the Union, and to the country generally, by securing a permanent and extraordinary income to our manufacturers; unless we are determined to increase the discontents in the South, and to create a new source of jealousy between the old and the new States. Besides, sir, these lands were conveyed to us expressly to discharge the claims upon our federal treasury, growing out of the revolutionary war. As yet we have received but about forty millions, while we have expended about fifty millions upon our public lands. We have paid off seventy or eighty millions of revolutionary debt, for which they were pledged by our laws; disbursed many millions for pensions and unfunded debt, originating in the revolution; and we have actually, at this moment, an annuity charged upon the treasury for revolutionary pensions, Indian treaties, and land account, more than equal to the annual income from that source of revenue. It is not probable that we shall invade our treasury for this purpose, until some of these many obligations are discharged; nor can it be desirable to destroy all attachment of the Southern and Western States to the Federal Government.

If, then, sir, our annual expenditures are, for the present, estimated at about thirteen millions, and our income from public lands at two and a half to three millions, it will require little more than about ten millions from customs to meet all the necessary expenses of the Federal Government; particularly when we consider that for some years to come a surplus revenue is inevitable, and that any permanent increase of our federal expenses will no doubt be balanced by a gradual augmentation of our income from customs. We cannot, therefore, with justice to the country, authorize, at this time, a greater amount of duty on foreign merchandise than will realize from ten to eleven millions of revenue. Our importations for two years past have amounted to more than a hundred millions annually. If our minimum duties were now to take effect, it would be unsafe to assume that amount, as the imports were much larger than usual; but, as the minimum duties do not take effect for some years, and as the trade and consumption of the country will probably increase with the reduction of our imposts, it is not probable that the importations of future years will fall much, if any, short of those of 1831 and 1832, notwithstanding any reduction which may be made by a change in the credit on duties. Of the importations of 1831, (the year so frequently referred to,) amounting to one hundred and three millions, I find there were imported, of wool and woollens, fourteen millions and a half; of cottons, sixteen millions; of iron, and its manufactures, a little less than seven millions; of sugar and molasses, near seven millions and a half; and of all other articles coming in competition with the various other branches of our industry, about twelve millions; making a total importation, of what are styled protected articles, of fifty-seven millions of dollars; and of all other dutiable and free articles, forty-six millions. Of the total imports, about seventy millions of dutiable articles, chiefly of the protected class, are estimated to have been consumed in the country. While the exports of the country continue to be between sixty and seventy millions, independent of the profits and earnings of our commerce and navigation in the foreign trade, there cannot be, after 1836 or 1837, any considerable reduction from the above estimate. A duty of twenty per cent. upon the protected articles, and of ten upon the others, would yield a nett revenue of about eleven millions, which, with the income from public lands, would make an aggregate receipt into the treasury of near fourteen millions annually.

It is in vain, sir, for us to attempt to evade or to postpone this question. Our revenue from customs and public lands, now estimated at twenty-one millions annually, must be reduced to thirteen or fourteen millions. Our revenue from imposts alone must be brought down to about eleven millions; and without permanent prohibitory duties, which never will be tolerated in this country, a higher permanent duty on protected articles than twenty per cent. cannot be maintained, without producing more revenue than the necessities of Government require. In this state of things, sir, we may throw aside all our theories on both sides of this question. Whatever may be our opinions, they must yield to the actual condition of the country. We must surrender all our favorite speculations to the more substantial good sense and sound understanding of those who never refine—of that great agricultural interest which, happily for our country, controls its destinies. If thirty or forty, or even fifty dollars on every hundred consumed were required for the use of Government, that interest would cheerfully submit to it; but, sir, theorize as we may, if twenty be sufficient to satisfy the wants of the treasury, to twenty will our farmers have our permanent taxes reduced. The bill as reported contains many provisions which I should wish to have amended. Its discriminations, whether the policy be wise or not, are not adapted to a confederacy; political considerations will compel us, in the end, to equalize the imposts on protected articles, whether they are the productions of the North, South, East, or West. But the details of a tariff cannot be adjusted to please all, and I shall cheerfully support the measure, whatever form it may probably assume. I cannot, however, avoid noticing the discriminations in favor of iron and sugar, the policy and justice of which are, in my view, extremely questionable. I am aware that my colleague, [MR. VERPLANCK,] the chairman of the committee, has defended the iron duty, as that article is necessary in war. He must pardon me for expressing my surprise that one of his intelligence and just views should have conceded an exception, which would sanction the doctrine of protection in all cases whatever. Of all articles, iron has the fewest claims to protection in our country. It was a manufacture before the revolution, and the excessive cost of transportation secures to it a monopoly of neighboring markets. No duty can be more unwise as a measure of public policy. No tax can be more oppressive to agriculture, commerce and manufactures. Brown sugar, too, is one of those necessaries of life which should certainly not be taxed as it is, higher in proportion than other articles. Gentlemen who represent other interests complain of these discriminations; but I think the advantage is on the side of those interests which are reduced by this bill to the minimum rates, as they will hereafter remain undisturbed, while the duties on the others must continue to be a subject of legislation, until they are reduced to a corresponding rate. It is not for me, sir, to counsel those who represent the various branches of industry interested in the fate of this bill; but, in their position, I should entreat Congress to establish the duties on some permanent foundation, and to do it as speedily as possible.

We have been told, sir, that we passed a bill in July last, and that it is improper to pass another before that takes effect. Under other circumstances this objection would be a strong one; but I appeal to every gentleman whether that act does not leave an annual surplus of many millions, and whether it is expedient to allow the session to pass away, when we know that the revenue will exceed the wants of Government. We deceive ourselves, sir, if we suppose that the great revolution in our revenue laws, demanded by the extinguishment of the public debt, can be accomplished in one or two sessions. We must be inspired if we could regulate our indirect and fluctuating revenues so as to produce an amount equal, or even nearly so, to our expenditures. This question must employ Congress for many sessions to come. The act of July last, together with our revenue from other sources, leaves a

surplus, varying according to the estimates of gentlemen, of from six to eight millions annually. It is neither prudent, wise, nor just, to postpone the reduction of our revenue, and permit an accumulation of twenty or thirty millions in the treasury to put in jeopardy every interest, and even the Union itself. We are also told that this is not the time for acting upon this question; true, sir, this is not the most proper time, for that time has passed; this question ought to have been adjusted, so far as our internal interests were concerned, two or three years ago, when our attention was first called to it by the President. It was the interest as well as the duty of all concerned in our manufactures to have come forward with patriotism, and to have submitted to a change which was rendered inevitable by the altered condition of our finances. Had such a course been adopted, we should have witnessed no discontent in the South; and I appeal to gentlemen whether they would not have secured for our manufacturers much higher imposts than they will ever be able to obtain hereafter. The longer this adjustment is postponed, the more embarrassing will it be to our internal interests. I pray gentlemen to reflect whether it can be for the interest of our manufacturers to have this question agitated from session to session. Let them consult our old and skilful manufacturers, those who are unconnected with politics, and a large majority of them will tell you, "we care not so much what your rate of duty be, but spare us the embarrassments growing out of your perpetual legislation, make it what you will; but establish your laws permanently, and leave us hereafter undisturbed." Such, sir, would be the language of every man who depends on his industry, frugality, and enterprise. It is surely time, sir, that we should cease to legislate on this subject. For seventeen years our manufacturers have been made, most wantonly too, the sport and victim of ambition. Not, sir, that noble passion, which seeks a glorious name by laboring to increase the prosperity of nations, and to improve the condition of the human race, but that contemptible sentiment, which tempts us to make the industry of our country subservient to political fortunes; to regulate our manufacturing policy according to the fluctuations of parties, and to advocate or abandon, as it may suit the purpose of the hour, any and every constitutional principle or public measure proposed, in order to secure the short-lived honor of administering the affairs of Government. It is time, sir, to make an effort to rescue our internal industry from the uncertain guardianship of such ambition, from the questionable friendship of all such politicians, no matter to what party they may belong.

This measure is opposed, sir, upon another ground: it must be postponed to another Congress, because South Carolina threatens to violate our laws! We cannot discharge our duty to our country, because South Carolina is about to engage in a war with our revenue laws! In adjusting our revenue to our expenditures, what have we to do with the terrors of her ordinance, or the defiance of her convention? Are we, sir, to be driven from our course, and to postpone our public obligations? Are we to continue some six or eight millions of unnecessary taxes upon the country, because a portion of the people in one of the four and twenty States have declared our laws to be unconstitutional, and their determination to resist them? Certainly not, sir. We are called upon to discharge the double duty of reducing our revenue, and of adopting measures to execute our laws: for however unwise I may deem the latter, while they continue they must be executed. No gentleman can be more opposed to this system than I am; I consider it the impoverishing offspring of public debt, which must perish when its parent dies. I believe these laws to be unwise and unjust, but I cannot persuade myself that they are unconstitutional. We have abused the powers to levy imposts and to regulate commerce, by imposing duties when they were not required by the treasury, and by pretending to countervail acts which were not in existence; still the acts of 1828 and 1832 are the laws of the land, and as such must be respected and executed. But, sir, while we are not to be driven from our course, on either of these great questions, by the attitude of South Carolina, I must disclaim all participation in those vindictive passions which some gentlemen have displayed in this debate. The condition of that State is with me a subject rather of regret than of angry feeling. Whether nullification shall perish or not, on the soil from whence it sprung; whether her cause shall fail or triumph, the commerce of that State must be suspended; public confidence must be destroyed; and her inevitable doom will be poverty and ruin, aggravated, perhaps, by the reflection, that the arrow with which she is wounded is "feathered from her own wing." But though, in adjusting this revenue question, we ought not to be influenced by the conduct, condition, or ultimate fate of South Carolina, there are some considerations which I trust will have their influence on every generous, every noble mind. If, sir, in discharging a great public duty, it should so happen that our legislating now might stay the uplifted arm of one of our countrymen, if it should stop the effusion of one drop of American blood, is there one, convinced of the propriety of this measure, is there one among us so callous to every impulse of humanity, so dead to every lofty sentiment of patriotism, as to postpone the bill, lest he might be suspected of yielding to South Carolina? Let us not, Mr. Chairman, mistake stubborn prejudice for stern patriotism; or, from some less respectable, less dignified motive, postpone our obligations to the country.

There are, however, other considerations more comprehensive which should not be overlooked; we cannot be indifferent to passing events—to the disturbed relations of the Union; we cannot be ignorant of the cause of the discontent which now prevails from this to the borders of Louisiana, nor ought we to disregard the consequences which may flow from it. It is difficult, sir, for us to persuade ourselves that we have been, for many years past, legislating on principles totally incompatible with the confederate form of our Government. The extinguishment of our public debt has suddenly arrested the progress of such measures, and substituted for debates about woollens, cottons, iron, and sugar, questions involving not only constitutional powers, but the fundamental distinction between a confederate and a national Government. We are now, sir, in a new latitude; we have a broad horizon; unskilful observations or false reckonings may lead us into difficulties and dangers which we are unwilling now to suppose possible. In taking an enlarged view of the condition of our finances, of our form of Government, and of the object of the high duties we have imposed, we must be convinced that, whether wise or unwise, right or wrong, constitutional or not constitutional, the benefits or injuries of high protecting duties cannot be common to all the States, and that we must return to imposts for revenue, or abandon all hope of preserving the Union in harmony and prosperity. Waiving all argument, let us admit that such measures are wise and just in France or Great Britain, would they still be so if these Powers belonged to a confederacy? Suppose that, in some convulsion like the past, the Governments of that continent were to be overturned by some man greater than Napoleon—some second Washington; that, instructed by an admirable example, the various States of that continent had determined to set aside their partial alliances and leagues; had assembled in convention, and voluntarily associated in one general union; that they had resolved to terminate forever their internal wars by removing the causes, by abandoning their commercial restrictions, and by establishing a common treasury, army and navy, for the common defence. Suppose that Spain, Italy, Switzerland, France, Great

Britain, nay, all Europe, reserving to each State its jurisdiction over its internal concerns, had surrendered these few but great powers to a common Government, and had formed a European Federal Union, would it be wise or just in France and Great Britain, forming with other States a mere majority, under the pretext of levying taxes for the use of the common treasury, to impose restrictions on the other members of the confederacy? Would any statesman sacrifice the rights of a part, and the peace of all Europe, in a speculative experiment to force the growth of manufactures in one quarter of their Union? Not less unwise and unjust is this attempt of ours to apply this policy to a confederacy of States spreading over a vast continent, and embracing almost all the climates and productions of the globe. We may appeal to past authorities; we may resist this reform from session to session, but a struggle to perpetuate this policy, if persevered in, must terminate in a dismemberment or a consolidation of the Union; either of which would be fatal to the peace and prosperity of our country, and would visit upon the people of this continent internal wars and all the calamities incidental to Governments depending for their existence on military power—Governments ruling in defiance of public opinion. Continue this contest, adhere to past legislation, and you will have questions infinitely more alarming than nullification; you will hear more of the revolutionary doctrine of secession, and, what would be equally fatal to the Union, you would have grave propositions for a convention of the States. Whatever form, sir, a question of this kind may assume, whether of secession or convention, the contest between the North and the South must inevitably terminate in "an appeal from the cancelled obligations of our constitutional compact to original rights—to the law of self-preservation."

It is easy, sir, to avert all these calamities, and to put an end to these debates about secession and convention, by revising our revenue laws with amity and justice, and by adhering to the spirit as well as to the letter of our federal constitution. Reduce the revenue to the expenditures of the Government, arrange the taxes on equal and just principles, reform the abuses of past legislation, leave the States undisturbed in their jurisdiction over their internal concerns, and confine our Federal Government to the few but great powers necessary to defend our country, to extend our intercourse abroad, and to enlarge the resources—the power and glory of the Union: make these reforms in the administration of our federal concerns, and the peace of this American continent, and the union of this great republic, will continue undisturbed and unbroken for generations to come.

Though other views have been, in this debate, attributed to New York, these are the results which will induce her to persevere in her efforts to adjust this question. To accomplish these great purposes, she will, as heretofore, when our Union was threatened, unite with the other members of our confederacy in a spirit of patriotism and justice. In some portions of our State we have anticipated the necessity of a change in our revenue laws. You have been told by the gentleman from Connecticut [Mr. INGERSOLL] that a revolution of opinion commenced with us many years ago. We have since seen it extending into other districts, and spreading through New Hampshire and Maine. The time has now arrived when we may all concur. The condition of our finances, and the inevitable necessity of reducing our revenue, enable us to unite in a spirit of mutual concession to restore harmony and to preserve the Union. The attitude of our State is happy and imposing; she has no special interests to tempt her to substitute local for general considerations; her associations, commercial and political, and all her attachments, are with the Union. Our opponents, perhaps to excite the jealousy of the other members of the confederacy, have honored her with the title of the "Empire State." We disclaim any such distinction. We are indebted to the bounties of nature, to a happily constructed constitution, a wisely administered State Government, and the blessings of our Federal Union, for unparalleled prosperity, for great power and resources. We are grateful for these, not that they may enable us to exercise any empire over the destinies of this republic, but that we may win the confidence of our confederates by our patriotism and justice; and that, in all our internal distinctions, whether resulting from geographical prejudices or from the struggles of ambition, it may be our proud office to mediate between the North and the South, and to restore tranquillity to our country.

Mr. IRVIN, of Ohio, then obtained the floor. I am aware, said he, that much time has already been consumed in the discussion of the provisions of this bill, and that great anxiety exists with many members to bring it to a close as speedily as possible. I am also aware of the fact that there are many other important subjects pending here, which imperiously demand the attention of the House; but the present is one of so much interest, and is calculated to make such deep and lasting impressions, that I deem it a duty to claim the attention of the committee, for a very limited period of time, while I explain the reasons which will influence me in voting for or against the provisions of this bill.

It is no part of my intention now to enter into the policy of originating a system for the protection and encouragement of manufactures made of materials which are produced in the country. That question has been so repeatedly agitated in this House, and in all the journals of the country, that the reasons for and against it are not only familiar to every member here, but must be so to every reading and intelligent man in the country. If a succession of Presidential recommendations for forty years, and if a succession of legislative enactments for the same period, can be regarded as indications of the national will, then, indeed, we may with safety conclude, if any great question of political economy can become the settled policy of the land, that this is one of that character, and cannot now be disturbed without doing incalculable mischief. Perhaps there is nothing more vitally important to the well-being, to the happiness and prosperity of the community, than stability in our laws and institutions. If we adopt one policy this year, another the next, and still another the succeeding year, it is utterly impossible to conform to each successive arrangement, and our laws, instead of conferring safety, will be regarded as the idle emanations of the day, and must, and necessarily will, sink into just and merited contempt.

In order to test the correctness of the positions here assumed, I will advert to a few of the branches of industry which have been brought into existence by the inducements that have been held out, and the protection which has been offered to those who should embark in them. We are informed by a convention of the friends of domestic industry, which convened in the city of New York in October, 1831, and I have no doubt of the correctness of the statements, that there was then invested in the growth and manufacture of wool, in the United States, the sum of one hundred and sixty-seven million five hundred thousand dollars, and that the products from the manufacture of wool were worth, annually, the sum of forty million dollars. In coming to this conclusion, the crop of wool for the year 1831 was estimated at twenty million dollars, and its manufacture to the like sum. We are also informed by the same convention, that the cotton crop of the United States for the year ending on the 18th of October, 1831, amounted to 1,038,847 bales, equal to 375,925,302 pounds, and that more than one-fifth of the whole amount was consumed in the United States. It was estimated that the product, allowing that it was increased fourfold in the process of manufacture, must be four-

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fifths of that of the cotton crop, equal in value to the whole export. If we estimate the cotton crop of that year at ten cents per pound, it would be worth the sum of 37,592,530 dollars, the four-fifths of which being the value of the manufactures from that article in this country, amounts to the sum of 30,074,024 dollars. These two branches of our manufactures alone, without reference to the other great interests which have grown up under the protection afforded them by the laws, present an annual addition of fifty million dollars to the productive labor of the country. The question, therefore, is not whether we shall originate a protective system, but whether we shall destroy institutions which have sprung up under the fostering care of the Government. It is, more properly speaking, a subject in which is involved the inquiry, whether the period has now arrived in which it has become an imperious duty to destroy those fair fabrics of national skill and industry, and to transfer to foreigners the manufacture of the raw materials, and, with it, the fifty million dollars which are now made here from the manufacture of these articles. These are grave questions, of deep import, and ought not to be approached hastily, nor without the utmost circumspection.

In 1830, our exports amounted to about seventy millions, and the imports for the same period to nearly that sum. In 1831, the exports amounted to eighty-one million dollars, and the imports to one hundred and three millions, making an excess of importation of twenty-two millions over and above the exports of that year. For the sake of brevity, I speak in round numbers. This excess must operate as a debt, and cannot fail to drain the country of its specie or metallic currency to that extent. The ports of the principal Powers of Europe may be said to be almost literally closed against the breadstuffs of this country, which form the great staple commodities of the Middle and Western States; and we now and at all times have imported as much as we export, and, owing to the corn laws and other obstructions in Europe to our export trade, it is believed to be utterly impossible to increase our exports to any considerable extent. All the manufactures we now import, and all we make, are essentially necessary to our comfort and convenience; and if we succeed in putting down the workshops of this country, which now furnish a supply of clothing nearly equal to five-sixths of the whole of our domestic exports, can the advocates of this bill tell me from whence we are to receive a supply of clothing equal to the wants of the country? And if other nations, by their skill and industry, can supply the demand, can the advocates for prostrating home industry tell me in what way we can pay for the increased importations? As it now is, by an exchange of commodities, we find no difficulty in paying for the manufactures of this country; but if they should be put down, we shall be compelled to forego many of the comforts by which we are now surrounded, and be reduced to a still greater degree of dependence on foreign nations for the very necessaries of life.

I am decidedly of opinion that it is wholly inexpedient to collect more revenue than is absolutely necessary for a wise and frugal administration of the affairs of Government. If the practical effects of the act of the last session will be the production of more revenue than is necessary for these objects, I am willing and anxious that a further reduction should take place; but in making that reduction, I am as decidedly of opinion that the imposition of duties should be so regulated as to give the utmost possible protection to the existing institutions of the country. An adherence to this principle, in my humble opinion, is nothing more than the manufacturers have the right to demand, as they were induced by the legislation of Congress to embark in their present pursuits. If we yield to them this little boon, it cannot operate injuriously to any, as the articles upon which the highest duties will be imposed must enter into general consumption. Those duties will principally be collected from articles of clothing, which are used in every portion of the Union, which, perhaps, will distribute the burdens of Government more equally than any other system that can be devised.

If it has become necessary to make a further reduction, and at this time, then two inquiries present themselves. Have we the necessary information before us? and if so, are the provisions of this bill such as to commend themselves to the approbation of the House?

Previous to the investigation of the tariff of 1828, a committee of this House was required to collect such information as might shed light upon the subject, and for that purpose was invested with power to send for persons and papers. The committee performed the duties assigned to it, and furnished to the House a volume of testimony, collected from those who were best acquainted with the then situation of the manufacturing interests.

At the last session of Congress, when the subject was again likely to be brought before the House, as early as the 16th of January, a resolution was offered to the House by direction of the Committee of Ways and Means, and was adopted on the 19th, by which the Secretary of the Treasury was requested to collect such facts and information as might be in his power, of the extent and condition, generally, of the manufactures of wool, cotton, hemp, iron, sugar, and salt, and such other articles as were manufactured to any considerable extent in the United States, and to report the same to the House during the session, and as early as might be practicable, for the information of Congress. And, in transmitting the information, he was also requested to accompany it by such a tariff of duties on imports, as, in his opinion, might be best adapted to the advancement of the public interest. On the 19th of January another resolution was offered to the House by the chairman of the Committee on Manufactures, by which the Secretary of the Treasury was required to obtain information of the quantities and kinds of the several articles manufactured in the United States during the year; particularly those of iron, cotton, wool, hemp, and sugar, and the costs thereof; also, the quantities and costs of similar articles imported from abroad, during the same year, and to lay the same before the House. On the 27th of April the Secretary of the Treasury made his report to the House, accompanied by the information he had collected, and a bill for regulating the duties on imports. The report of the Secretary, and the accompanying papers, were referred to the Committee on Manufactures; and, on the 23d of May following, that committee reported a bill to the House, which, with some amendments, after undergoing a most elaborate discussion, passed this House on the 28th of June, by a vote of 132 to 65. This bill, after undergoing some amendments in the Senate, and to which the House assented, received the approbation of the President on the 14th of July, having occupied the attention of Congress, in the manner I have stated, for nearly six months. It was framed with a view to protection and reduction, and perhaps no bill of the kind was ever sustained by such decided majorities in both Houses of Congress. These facts are here stated for the purpose of showing with what caution this interesting subject has heretofore been approached, and how guarded Congress has been, lest, by some inadvertence, an injury might be done to some one of the great interests which are now identified with our national and individual prosperity.

The act of the last session was made to take effect from and after the 3d day of March next; and before it has gone into operation, we who voted for its provisions, are called upon to retrace our steps, and to lower the duties on protected articles, and to raise them on others not coming in competition with home productions. This bill, after the year 1835, imposes a duty of fifteen per cent. on imported wool, the cost of which does not exceed

eight cents the pound, and a duty of twenty per cent. on imported woollen goods costing more than thirty-five cents to the square yard. By the law of the last session, an ad valorem duty of forty per cent. was levied on imported wool worth more than eight cents the pound, and a specific duty of four cents on each pound, and an ad valorem duty, with some exceptions, of fifty per cent., was levied on imported woollen goods. I remember well, that, at the last session, great apprehensions were entertained that the duty imposed on woollen goods would prove insufficient; and now, without a reason being assigned for the change, and in the absence of all evidence showing the effect that the change may have on the manufacture of the article in this country, we are called upon to vote for the provisions of this bill. If fifty per cent. at the last session was necessary to protect the great interests involved in the growth and manufacture of wool, the reduction now proposed to twenty per cent., if adopted, may prove entirely ruinous to that great interest. We are, then, without the necessary information to guide us to a safe result; and it will be far more advisable to postpone this matter until the information is procured, than now to take a leap in the dark, without knowing the consequences that may ensue.

The bill now under consideration can claim for its protection no such deliberation. The committee was appointed perhaps a week after the session commenced; and on the 27th of December this bill was reported to the House, and, notwithstanding it so materially changes the whole protecting system, it has not been referred to nor examined by the Committee on Manufactures, which is always selected with reference to that subject, and whose members are presumed to possess more information in relation to manufactures than the members of any other committee of the House. This must necessarily be so, as they are in the habit of examining all matters of that kind which are brought before the House.

I will now examine the provisions of this bill as proposed, and see if they are such as ought to meet with a favorable reception from this House.

The reduction of the revenue is pressed upon us as a reason for the hasty introduction of the bill, and it is also pressed upon us as a reason why it should as hastily become a law. We are told that a reduction of the tariff of duties is loudly called for by many of the States, and that it is necessary to appease the angry feelings which exist in certain portions of the country. We have also been told by an honorable member of the committee, from Tennessee, that the time has arrived for action, and not for speaking; that a crisis has arisen in which the Union is endangered, and he conjures us, by our love of country, and by every patriotic consideration, to vote for this bill, which is to give peace and repose to the country. These reasons, if left unexamined, might lead to the belief that the bill is, strictly speaking, a bill for reduction. Every one, upon the slightest examination of the provisions of the bill, must come to the conclusion that it is not entirely of that character, and that it is so framed as, unnecessarily, to take away the protection that might be afforded to the productions of the country; and that it must and will operate unjustly and unequally in the collection of the revenue.

By the law of the last session, tea imported in our own vessels from places beyond the Cape of Good Hope, and coffee, were admitted free of duty, and the duty on silks was greatly reduced. By this bill, a duty of one cent per pound is laid on coffee, which, according to the tabular statements that accompany the report of the committee, will produce a revenue of - - - $817,574
The proposed duties on teas will produce - 415,167
The proposed increase of the duties on silks will produce the further sum of - - 622,284

Making, in all, an increase of - - $1,855,025

Here, then, instead of reduction—and that seems to be the order of the day—we have a new and additional duty on three articles only, amounting to the sum of one million eight hundred and fifty-five thousand and twenty-five dollars, over and above the duties imposed on the same articles by the law of the last session. These articles require no protection. They come in competition with no production of the country to any considerable extent; and were they wholly freed from duty, I am not aware of any injury that would result therefrom. These proposed increased duties, should the bill pass in its present form, will seriously affect the protection given to domestic productions, inasmuch as that sum might be otherwise advantageously applied to their protection. I can see no earthly reason for this change, and were there no other objections to the bill than the one assigned, I would not give to it my support. There are, however, other weighty objections to these new and increased duties, growing out of their partial operation on different portions of the country. In Virginia, North and South Carolina, and Georgia, the population consists of 1,721,812 whites, 1,248,290 slaves, and 77,298 free people of color. The whole population of the United States amounts to 12,858,670, and of that number 2,009,050 are slaves, and 319,576 are free people of color. These slaves use neither tea nor coffee, nor silks to any considerable extent, if any; while in the Middle, Western, and Northern States, there is scarcely a family in which these articles are not more or less in use. The practical effect, therefore, of raising the duties on these articles, is to throw an unjust and unequal portion of the revenue on the non-slaveholding States. Taxation and representation ought to accompany each other as nearly as practicable. This is in accordance with the genius and spirit of the constitution, and ought not to be departed from where it can be avoided. The constitution requires that representation and direct taxes shall be apportioned among the several States which may be admitted within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. It is true that duties laid on imports do not come within the rule here laid down for the distribution of direct taxes; but it cannot be doubted that all taxes ought to be so imposed as to bear as equally as possible on every part of the Union. Three-fifths of all the slaves are here represented, which gives political weight in this House to the portion of country in which they reside. This being the case, I am satisfied there is scarcely a subject that could be selected for taxation that would not bear more equally on all, and come nearer to the spirit and true meaning of the constitution than that imposed on tea, coffee, and silks. There are other privileges and exemptions in this bill more strongly marked than those already noticed. By this bill, blankets which do not exceed seventy-five cents cost, and cloths or woollen goods which do not cost more than thirty-five cents the square yard, are admitted at a duty of five per cent., while blankets above seventy-five cents cost, and woollen goods costing more than thirty-five cents the square yard, are admitted; the first at fifteen, and the latter at twenty per cent. It is asserted, and I have never heard it contradicted, that the goods admitted under the five per cent. duty are intended for the slave population of the South. Now, I ask, why is this distinction made? Why exempt the owners of slaves from paying a duty as high as is imposed on all classes, including the rich and the poor, in the non-slaveholding States? I am aware that the same feature was introduced into the bill of the last session, but it was then done to put an end to the unceasing complaints made in the Southern portion of the country against the tariff. In that act the principle of protection was preserved. In

this bill it is abandoned, in a great degree, if not to an extent that must prove destructive to many of the best manufactories in the country. The concession was also made, at the last session, to the South, with the view of securing something like permanency to the protection afforded by law for the encouragement of domestic industry. This bill has no claims of that kind, and I am unwilling, without a reason for so doing, to give my vote for any bill that is so partial in its operations, by increasing the burdens on the free States for the purpose of lessening them on the owners of the description of population I have named.

There is another clause in the bill to which I cannot yield my assent, and that is the one which reduces the duty on salt to five cents the bushel. Ever since I have had the honor of a place in this House, not a session, I believe, has passed away without something being attempted in relation to the duty on this article. As early as 1790, an act was passed by Congress imposing a duty of twelve cents on each bushel of foreign salt. By an act of 8th July, 1797, an additional duty of eight cents was laid on the bushel, and if imported in ships or vessels not of the United States, the like additional duty of eight cents, and ten per centum thereon. By an act of the 3d of March, 1807, these duties were repealed. After the last war, and at a period when the evils had been severely felt of not having a sufficient domestic supply in time of war, an act was passed on the 27th of April, 1816, imposing a specific duty of twenty cents on each bushel containing fifty-six pounds. That duty remained unchanged until the act of the 30th of March, 1830, which reduced the duty after the 31st day of December, 1830, to fifteen cents, and after 31st of December, 1831, to ten cents. If there be any article that is truly indispensable in time of peace and in time of war, it is salt; and if there be any article which, above all others, ought to be placed beyond the changes which are incident to our relation with other countries, it is salt. Its use cannot be dispensed with by the rich nor the poor, and any tax or duty that is imposed on it, spreads itself over the whole face of the country, in a proportion, perhaps, more perfectly just than that on any other article. Why then seek to lessen the duty? Hereafter no more taxes will be collected than are necessary for the wants of Government, and if we pay a duty on salt, it lessens the duty on something else, and no one can complain of injustice, for all have to pay in proportion to their consumption. Under the protection which has been given to the manufacturer of salt, there is already invested a fixed capital of nearly seven millions, in lands, furnaces, vats, &c., and the salt made in 1830 was very near four million and a half bushels, which is nearly one-half of the annual consumption of that article in the United States. After the sad experience of the last war, during which the price of the article was so much enhanced along the seaboard, I am not a little surprised to see the exertions that have been made to reduce the duty, and thereby hazard its future domestic production. It is with this as with other articles that are manufactured in the country. It can be obtained by an exchange of commodities; but if we are left to pay the cash to foreigners for all we need, I am at a loss to conceive where or to what market we should send our agricultural productions to raise the means of payment. In aftertimes the historian will scarcely be believed, who shall record the fact that this proud republic, with a population exceeding twelve millions of people, could not, from its own skill and labor, supply its citizens with their daily raiment, nor with the quantity of salt necessary to mingle with their provisions. At the proper time I will move to strike this clause from the bill.

One of the members of the committee has assured us that the duty of twenty per cent. on woollens is a sufficient protection, and that he was justified in making the assertion by the evidence that had been collected at the last session of Congress, under the direction of the Secretary of the Treasury. To sustain the assumption, he read to us a few passages from some manuscript statements, and some others from a printed volume of evidence, which had not then been laid on the desks of members. Some of the witnesses, if such they may be called, stated that many of the manufacturers of woollen goods were making little or no profits, while others differed widely as to the extent of profits that they severally made in their respective establishments, varying from seven to forty per cent. I think there is only one individual who stated that he made forty per cent. But from the testimony, taking it all together, it is clearly established, that the business, generally, has heretofore been unproductive, and ruinous to many. The member appeared to be conscious of this, when he exclaimed that the failures were ascribable to the want of skill and capital, and not to the want of protection. Now I perfectly agree with the member, that the want of skill and capital may have been, and very probably was, the cause of many failures. This was to be expected in a new pursuit, and the whole scope and design of the protective system was to encourage the citizens of this country to embark in a business measurably new and untried, and upon the protection of which our national independence and prosperity so much depended. The grand design was, to invite skill and capital to the country, and much has been effected; and if let alone, we shall have both skill and capital, and the business will flourish and become co-extensive with the wants of the country. At the time this testimony was taken, the act of 1828 was in force, and it was taken with reference to the provisions of that act, which afforded an average protection of sixty-five per cent. In some instances it was as low as forty-five, and in others as high as one hundred and twelve, but the average protection was sixty-five per cent. The difference between the act of 1828 and the bill now under consideration, is forty-five per cent. Now, can it be pretended that no profits, or profits varying from seven to forty per cent., if such profits as the latter were ever realized, will justify the subtraction of forty-five per cent. from the protection afforded at the time these profits were made? It is very uncertain whether the losses in this business have not been as great as the profits, and it cannot be pretended that the average profits have been any thing like that described by the witness, who says that his amounted to forty per cent. The member then is not borne out in the assumption that the profits of the business justify the reduction. The honorable member also read some other passages, in which the persons state, or give it as their opinion, that if the frauds upon the revenue could be suppressed, and the raw material admitted under a corresponding duty, a clear protection of twenty-five per cent. would be sufficient. By this bill a duty of fifteen per cent. is levied on wool, and twenty on imported woollen goods. It has been said that the cost of the wool is equal to half the value of the article manufactured from it. If this be so, the protection afforded to the manufacturer is but twelve and a half per cent. If the duty on wool increases its price, the amount of that increase is so much taken from protection. Wool worth fifty cents will produce, when manufactured, a dollar's worth of cloth. On that quantity of wool the duty is seven and a half cents. This, taken from the twenty cents protection given to the manufactured article, reduces the protection to twelve and a half per cent. Now, I am at a loss to conceive how the member could arrive at the conclusion that a clear protection of twenty-five per cent. can justify a reduction to twenty, with a duty of fifteen on the raw material. He is equally unfortunate in the assertion, that the provisions of this bill, and those contained in the act of 1816, are the same, and that the protection furnished, in the opinion of some of the agents or witnesses, is sufficient. After attempting

to show that a much larger sum is requisite, it would be a waste of time to attempt to defeat the assertion that a lesser sum will suffice.

We are told, as I have already remarked, by the same honorable member, that the time has arrived in which it is necessary to act and not speak—and that a crisis has arisen which renders it necessary that we should speedily pass on this bill. Now I am at a loss to conceive what the member means by a crisis, unless he alludes to the discontents that prevail in a certain portion of the country. If the passage of this bill be necessary to allay those discontents, is he certain that he will thereby ensure peace to the country? Does he suppose that the Middle and Northern States will quietly submit to the destruction of their property to silence the complaints of others?

If the passage of this bill, and its consequent effect upon the manufacturing establishments of the country, should be such as to transfer the discontents from the South to the North, and if the really injured inhabitants of that country should take the very grounds now occupied in the South, and should engage in the actual assemblage of an armed force, to oppose the laws of the Union, would the member then rise in his place and tell us that another crisis had arisen, and would he again conjure this House, by every consideration growing out of patriotism or love of country, to restore the protecting duties for the purpose of preserving the integrity of the Union? If he will follow out his theory, he will find that it will not answer in practice. He will discover that the National Legislature, instead of being influenced by the general welfare, will be governed by those who can make the most noise and the loudest complaints. I believe that the honorable member is influenced by the purest motives, and it is no part of my intention to cast the least censure on him by these remarks; nor is it my intention, on this occasion, to utter a single expression of unkindness or disrespect in relation to the State in which an unhappy excitement now prevails. I would rather cherish the belief that the day is not distant when the prevailing excitement will pass away, and when the representatives of all the States will again assemble here with those feelings of kindness and affection which characterized the early legislation of the country: rather than embitter the future by unnecessary severity of expression, it would be far more acceptable to my feelings to cast the mantle of charity over our internal differences, and hide them forever from the view of the world. But I cannot persuade myself into the belief that matters of this kind ought to have any influence with us in the discharge of our duties. The constitution was intended for the general good; and, in legislating here, we ought to look to that. The whole scheme of our general and local Governments is based upon the hypothesis that the majority ought to govern, and we cannot stand justified in bartering away the rights of the majority to gratify the wishes of the minority, especially if the concession will be productive of no benefit even to the minority.

We are also told that reduction must be made, and that the tariff must come down. The manufacturers are given to understand that their destruction will be effected with great kindness—that they are not to be slain upon the spot, but that they shall have the privilege of gradually sinking down, and two or three years are allotted for that purpose. They are placed in the attitude of the convicted felon, who, when he finds he can no longer escape the offended laws, appeals to the mercy of his judge, and asks that the day of execution may be deferred as long as possible. This humble privilege is now held out to our own citizens, who have invested their property, under the plighted faith of the laws, in manufacturing establishments which now make more than half the raiment used in the country; yes, they are to go down forever, to gratify, in my humble opinion, the unfounded complaints of others, who allege that the system of protection is oppressive. The assertion is made with apparent confidence; but how is it oppressive? What grievances are sustained in the South, that are not common to the whole country? We must have revenue, and if that revenue be collected in just proportions from every part of the land, and no more is collected than is absolutely necessary for the support of Government, who is there that has just cause of complaint? Were the principal part of the revenue collected from clothing alone, is it not an article in use wherever civilized man is to be found? And if the revenue collected from it should operate equally, wherein consists the oppression? Were the whole of the revenue collected from articles of this description, the South would still have the advantage, as in the North a greater quantity is necessary to protect the inhabitants from the severity of winter. This is an advantage however afforded by situation and a milder climate, and ought to furnish no cause of complaint to those whose fortune it has been to fall in those sections of our country where such advantages are denied to them. If we seek to place revenue on articles not of general use, it becomes a contest for exemption from the burdens of Government, which ought to be common; and in so doing, instead of being just, we are seeking exemptions for ourselves, by casting the weight on others. In its present form, I cannot believe that this bill will receive the approbation of the House; for who ever heard of a nation deliberately setting about the destruction, or of even hazarding the property of its citizens, and to such a vast extent? If accomplished, will it give peace to the country? I again repeat it, that I am for a reduction to the absolute wants of the treasury; and if this bill can be so modified as to effect that object, and at the same time give as much protection to domestic manufactures as the extent of the revenue will reasonably admit, it shall receive my support—but otherwise, it cannot.

Mr. BURGES now obtained the floor, and moved for the rising of the committee; but withdrew his motion to give opportunity to

Mr. WILDE, who explained to Mr. Cambreleng, at considerable extent, disclaiming all disrespect in his remarks of last Wednesday towards the State of New York, her statesmen, or political parties.

Mr. CAMBRELENG replied, and

Mr. VINTON followed, all explaining in reference to what had passed last evening.

Mr. BURGES then renewed his motion, (at half past six,) which prevailed—Ayes 75, Noes 50.

So the committee rose and the House adjourned.

Saturday, January 26.

TARIFF AGENTS.

A resolution introduced yesterday by Mr. Arnold, calling on the Secretary of the Treasury for the names of the agents employed to collect testimony on the subject of the tariff, and the names, residence, and occupation of the witnesses whose testimony had been taken, and the compensation paid, coming up for consideration,

Mr. VERPLANCK observed that he would not oppose this resolution, though he did not see its necessity. He had made it a rule to vote for all serious calls for information, and, in following this rule, he had sometimes differed from those with whom he usually acted in the House, and sometimes doubtless voted for calls for information which the House had already. Still he thought the rule a good one, and would continue to follow it. But the language of the present resolution seemed to intimate that there was a suspicion of unfairness or partiality in the selection of agents, or some abuse in the amount or mode of compensation. It was, therefore, due to the Secretary of the Treasury to anticipate or prevent such an impression in

any quarter. Now, said Mr. V., there is nothing secret or concealed in the matter, nor any thing of importance that can be learnt at the Treasury which might not be learnt from the documents already in possession of the House, and which is not in substance known to the members of at least two of our standing committees, that on Manufactures, and that of Ways and Means. Having, on behalf of the latter committee, during the last session, prepared and reported the bill which, amongst other appropriations, contained provision for the payment of these expenses, I had myself occasion to examine their character more specially than most other gentlemen. When the Secretary of the Treasury reported his *projet* of a tariff bill last year, he sent, with his report, a copy of his circular to the agents selected to collect information under the resolution of this House. In this he had stated the allowance of compensation he proposed to give to the principal agents, leaving to them the selection of assistants, and authorizing them to make other necessary expenditures. The allowance was six dollars a day, which, at first, struck me as large; but upon consideration of the shortness of the time allowed, and the necessity of sacrificing all other business to this, the committee had agreed that it was not unreasonable. The selection of the principal agents (upon whose character and intelligence and choice of subagents in the States, the value of the whole mass of information depends) had been made upon the fairest and most honorable principles, looking to the representation of both the great opinions upon the protective system, and with utter disregard to party politics or personal patronage. Most of them were chosen on the recommendation of distinguished members of Congress of both political parties. Thus, in Massachusetts, that distinguished champion of free trade, Henry Lee, had been chosen as one of the agents. He had, however, declined. With him were then associated gentlemen of other opinions, who had served on this duty. Among these was Willard Philips, a leading member of the late tariff convention, an opponent of this administration, and a gentleman not less known for his general talent and information than for his precise and conscientious accuracy.

In the State of New York, Stephen Allen, of the city, and Allen Bronson, of Oswego, both Senators of the State, were first selected. Men of higher character or more practical knowledge and talent could not be found. They had both declined, but on the pressing request of members of this House, the latter gentleman had consented to serve, so far as to select the assistants, direct their inquiries, and sum up their results; for which he has neither asked nor received compensation; and his letter containing these general results has been referred to in debate. Its ability, clearness, and good sense, can speak for themselves, without the aid of his respectable name. General Lynch, of New York, and other gentlemen connected with manufacturing interests, in political opposition to the Secretary, had also been selected for particular information, and had received some compensation for their time and travel.

In New Jersey, a former member of this House was selected as the general agent, on the recommendation of the chairman of the Senate Committee on Manufactures, (Governor Dickerson) whose zeal for those interests could not well be questioned. In the Secretary's own State, (Delaware,) he chose Mr. Gray, a zealous opponent of the adminstration, of which he was part.

In Pennsylvania, Mr. McLane had selected two gentlemen, distinguished by their country as the most ardent champions of the two sides on the great question, and both of them, as it happened, adversaries of this administration, Mathew Carey and Clement Biddle.

Such are the men and the principle upon which they were chosen, and the selection is certainly honorable to the fairness and liberality, as well as the judgment of the Secretary of the Treasury. The names of these agents, and their various opinions, cannot but add weight to this testimony.

These agents were responsible for choice of subagents and the compensation allowed them, subject to the supervision of the treasury. There is no ground for imputing any abuse here. An appropriation of seventeen thousand dollars, to cover all these expenses, had been made. When it was made, though large, it did not appear excessive, either to the Committee of Ways and Means, or to that on Manufactures, and had been explained to the full satisfaction, both of this House and the other. But if there is any complaint on that hand, I am happy to add that this sum has been found more than was needed, some of the charges of subagents having been reduced or rejected.

With these explanations, which seem to me to be due to the character of the head of the treasury, I am quite willing that the resolution should pass.

The resolution was adopted without a division.

THE TARIFF.

The House then went into Committee of the Whole upon the tariff bill, Mr. WAYNE in the chair.

Mr. BURGES rose, and addressed the committee in opposition to the bill.

The nation, said Mr. B., has already seen the commencement of a new system in our policy and legislation. This measure is intended as a part, if not the final part, in that system, and, if carried into operation, will form an era in our Government no less memorable than the celebrated statute of July 4, 1789. That law was the beginning of our protecting policy; the first, and not the least distinguished in a series of legislative measures, which have placed our country in a condition so prosperous. The bill now under consideration is intended for the overthrow of that great policy, and must, with its kindred measures, bring into our nation a chain of disasters and adversity.

A wise man, who has enjoyed the blessings of every season, looks back upon them and their causes, from the confines of the old, before he steps over the threshold of the new year. Let us do so; and that we may indeed "be thankful for the past," take a parting look at its benefits and their sources; and then, that we may provide for the future, let us examine what that future, under the influence of this untried measure, is likely to bring upon us.

Those men who devised and set up our present frame of Government were, many of them, called by the people to put that Government into operation. If they had forgotten all debate in convention, they could, nevertheless, plainly read in the constitution itself, that legislative power was, by the people, given to Congress for three great purposes:

1st. To pay the debts of the United States;
2d. To provide for the common defence;
3d. To promote the general welfare.

No specified power was granted but for these three purposes; and, to the same intent, the power to make all laws proper or necessary to the exercise of those powers, was also given.

To pay the debts of the United States, they could lay and collect direct taxes, or borrow money on the credit of the nation. For the same purpose they might lay and collect taxes indirectly, by impost, duties, and excise. They could also raise money in all these three ways, to provide for the common defence.

For the common defence, too, they could raise and support armies, provide and maintain a navy, organize and call out the militia, declare war and make reprisals. All other express powers were given to promote the general welfare. For this purpose was given your power of exclusive legislation in certain cases; your power of organizing the judiciary; encouraging arts and science; esta-

blishing the mail, and regulating its movements; forming rules of naturalization and bankruptcy; fixing a standard for the medium, the weight and measure of all exchange of commodities; and, finally, your power of regulating commerce, by either imposts, or duties, or excise, or limitations, or prohibitions; and that, too, by all laws necessary and proper for that purpose.

All these powers are so inseparable from the general welfare, that, although they might of right have been exercised by the several States, yet they never could have exercised them to any valuable purpose had the people not granted them to Congress. The power, therefore, to promote the general welfare seems to be the power to do for the benefit of the people whatever the States severally had a right to do, but could not, in a state of separation, perform.

One of the most essential powers ever exercised by any Government, is nowhere expressly given to Congress by the constitution, and cannot be found in it, unless it be implied in the power "to promote the general welfare." The constitution gives power to raise money for several specific purposes, and it gives the power also to promote the general welfare; but it nowhere expressly empowers you to raise money for the support of Government.

Will any man deny that the power is given to Congress to raise money for the support of Government, or, for that purpose, to make any law necessary and proper to open either or all the five great sources of revenue, provided to enable us to promote the general welfare? Can we do nothing else by impost to promote the general welfare, but raise money to pay ourselves and other public servants? Can we in no other way employ impost, or regulate commerce, by laws necessary and proper to promote that welfare? Can we not, by those powers granted to Congress, and prohibited to the States, promote that welfare in all those ways in which independent nations may, or the several States could of right, promote the general welfare of their own people? Whatever each one of the several States could of right have done to promote the welfare of the people of such State, by the exercise of the power now granted to us, and prohibited to it by those people, we can now of right do, and are bound to do, for the same purpose.

If each State severally could, by the regulation of finance and of commerce, so regulate its foreign intercourse as to encourage and protect its own domestic industry, then, because the people of each and all these States have divested them of the exercise of those powers, and given them and that exercise to us, we can exercise the same powers, and are bound to exercise them for the same great purpose.

No State could, of right, before the constitution, hinder any other State in the exercise of these powers, in this manner, and for this purpose; and, therefore, no State can of right, since the constitution, hinder Congress in the exercise of the same powers, in the same manner, and for the same purposes. If, at the establishment of the constitution, no State had any interest requiring such hindrance, then this exercise of this power, in this manner, and for this purpose, was at that time necessary to promote the welfare of all.

If, therefore, any State now pretend to have any interest requiring any such hindrance, that State must show that they in fact have such interest; and that, under the constitution, they have a right to create and establish the same. For it may well be doubted whether any State can in fact have, or can have any right to have and hold, any interest under the constitution inconsistent with the general welfare. Would not such an interest be a common nuisance, and liable to public abatement? The slave trade, carried on between foreign nations by citizens of the United States, in American ships, with American capital, was a great and lucrative interest. It existed before the constitution, and no power is expressly given by that constitution to interrupt that interest. By what power has that trade been prohibited? that lucrative interest abolished? That trade was adjudged, by the statesmen of our country, to be inconsistent with the general welfare; and the whole concern was, therefore, abated and removed as a great public nuisance.

Sir, you can raise money for the support of Government, because, and only because, that Government promotes the general welfare. How then can that Government be called upon to promote or to preserve any interest inconsistent with that welfare? or how can you provide for the support of that Government, when, to promote that interest, it sacrifices that welfare?

At the establishment of this Government, there was no interest in any State inconsistent with the general welfare; for Congress, at that time, exercised the power to regulate commerce by imposts, and did so regulate commerce: first, to raise a revenue for the support of Government; and, second, to countervail the laws of foreign countries, and encourage and protect the labor and capital of the whole American people.

The great law of July 4, 1789, in its preamble, designates the encouragement and protection of manufactures only, because they were then behind other branches of production in growth, and more especially required the cherishing influence of a Government established "to promote the general welfare;" but this law, in its various provisions, reached and encouraged the products of land, capital, and labor, in each great department of industry in every State of the Union. At that time, Congress announced to the nation, that impost placed on imported commodities, as a tax to raise money for the support of Government, was a constitutional exercise of their powers; and impost placed on like commodities, as a regulation of commerce, to encourage and protect manufactures, was equally constitutional, because equally necessary "to promote the general welfare." When this was done, every great branch of production, except sugar, now in the United States, had already been commenced, but not a voice in the nation called in question the principle of that law, or intimated that a solitary interest existed, or could exist, in the whole country, which might ever be injuriously affected by the use of it in its fullest extension. What new interest, since that time, has come into existence in these United States? Not tobacco, for that had long been cultivated in the country; was then in Virginia, and was not only a great product for export, but, in some sort, a currency by which to exchange other commodities. Is it rice? Certainly not; for rice was, before the revolution, the great staple of South Carolina agriculture. Cotton, too, was then in existence in that State, but in the most helpless infancy of that existence. It stretched out its feeble arms towards the nation; and, without power to speak for itself, the whole delegation of South Carolina called on Congress to encourage its incipient growth. This was done; and cotton was encouraged by a more efficient rate of impost than was given to the encouragement of any other agricultural product in the country; for, in 1791, the export of it amounted to 189,316 pounds. In 1816, when this production had increased in magnitude, when the exportation had reached 81,747,116 pounds, another call was made on Congress for encouragement; and then, for the first time, impost was used by this and the other House to create a prohibition; and that prohibition was created and set up to favor this then flourishing interest. Impost, rising from 75 to 100 per cent. placed on East India cotton cloth, excluded nearly 30,000,000 pounds of cotton in that form from the market of our country, and secured to a like amount that market to the domestic cotton, then grown principally in South Carolina. The cotton-growing interest was, therefore, one of the na-

tional interests in 1789; and the encouragement or protection of it, both then and in 1816, and of all other interests comprehended in the general welfare, was neither inconsistent with the constitution, nor adverse to that or any other great interest of the South.

No, sir, the cotton-growing interest of the South, in its youthful progress, received the cherishing encouragement of Congress as an affectionate child receives the care and kindness of a parent, with a gratitude warm and apparently sincere. Why, then, is the nation, like the good old Lear, "whose frank heart gave all," now left by that South to feel "how much sharper than a serpent's tooth is filial ingratitude?" That interest has grown to a sturdy manhood, has reached the age of independence; and, like those savages who destroy the parent to relieve the child from the burden of his support, now wages a most unnatural war with the nation, because no longer in want of encouragement and protection.

Was the manufacture of cotton an interest unknown to Congress in 1789? No, sir, it was coeval in its commencement here with the growth of that plant itself. The papers read by one of the Ways and Means Committee date the commencement of that manufacture in 1799; but this mistake of eleven years in the age of this great and absorbing interest of our country is but one among volumes of error collected and reported in those papers. An event in my life, never to be forgotten by me, brought me to a knowledge of the origin of this interest, which enables me to correct this error. Permit me to speak as a witness concerning the commencement of a manufacture now not less important to the consumption than the production of our country.

In the spring of 1791 I turned my back on the summer delights of the plough and the sickle, and on the winter amusements of the cooper's adze and driver; and, in the April of that spring, I left the scene of the sports and labors of twenty-one years for the school of the Rev. Dr. Williams, for the purpose of collecting some knowledge of those languages, by the mere scraps and fragments of which, scattered in this hall the other evening, the gentleman from Georgia [Mr. WILDE] so instructed this committee. My first day's travel brought me at evening to Shephard's tavern, in the town of Wrentham. At this place I found a cotton mill of a few spindles then in full operation. This miniature of what has since appeared in our country was a little slip planted here the preceding summer, but taken from the parent stock, which had been planted two years before at Pawtucket falls, in the State of Rhode Island. The next year, passing on the road from the school of Dr. Williams to Providence, I went through Pawtucket, and there, for the first time, saw the first cotton mill ever set up in the United States. This had, as I understood, been in operation more than three years. It is, therefore, known to me, that the editor of these papers has, from carelessness or design, mistaken the age of the cotton manufacture in our country, at least ten if not eleven years.

Let no man, deceived by these papers, pretend that this great interest did not commence in the United States until ten years after the commencement of our system of encouragement and protection. It was in existence before the meeting of the first Congress; and if the law of July 4, 1789, embraced in its provisions every interest then in the country, this interest is eminently entitled to all their benefits.

What effects have been produced by this system of encouraging and protecting policy, which were not intended to be produced by its operation? It was intended, 1st, to encourage, and thereby increase, the amount of domestic production. To effect this encouragement, by impost placed on imported commodities, the price of such commodities must be raised in the domestic market by a sum either equal to such impost, or to some smaller amount. The imported commodity, with this increased price brought into the market, encouraged the home producer to labor for the supply of that market, in the hope of receiving a price equally increased for his own product.

Did not impost produce that effect under the law of 1789? Cotton was then imported into the United States from Surinam; and was sold at not less than two shillings New England currency, equal to thirty-three and a third cents a pound. Impost, at the rate of three cents a pound, was, by that law, placed on imported cotton. Such cotton immediately rose in the market three cents, equal to nine per cent. on its value in the domestic, and about twelve per cent. ad valorem on the price in the foreign market. A duty of six cents a pound was, by impost, placed on manufactured tobacco; of ten cents a pound on snuff. Did not these duties raise the price of these commodities, and so encourage home production to hasten into the market and obtain these increased prices? This increased price was intended to be the effect, and has been the effect of all laws made for the encouragement of domestic industry. How else could such laws give such encouragement? Such encouragement has been the effect, and will be the effect of all impost on imported commodities, so long as imported commodities are so abundant in your market as to regulate the price of such commodities, whether foreign or domestic. If the importer set the price, and can command that price, he will charge whatever his imported commodity has cost abroad, with the cost of importation added, and the duty in addition to the whole. If the domestic producer place a commodity equally good in the market by the side of the foreign, he will get the same price; and the whole duty will be so much encouragement to his labor and capital, in supplying the market.

Impost was intended to operate as encouragement, and in this manner upon domestic production, until, by its long continuance and increased amount, such production had, by its increased amount, obtained the control of the domestic market. Then impost, which had, by raising price, operated as encouragement, begins to produce competition among domestic producers, and to operate as protection operates. This competition reduces price; and if impost be raised and sustained at the point of perfect protection, giving and securing the whole domestic market to the domestic producers, competition will have its perfect effect, and reduce price to its lowest rate.

Has not this effect of impost, placed on imported commodities, been produced? Was it not expected, and intended to be produced, when the law of July 4, 1789, went into operation?

Machinery was then imperfect; competition, not only in the United States, but in Europe, and between this country and Europe, has perfected all the old patterns, and invented and finished many new ones. The powers of invention, set to work by competition, produced the cotton-gin, and more than doubled the productive powers of labor in raising and sending that staple to market. Our abundant and cheap lands render this principle less efficient in other parts of agriculture; but in this country, Wood's cast iron plough, and in England the scarifier, the drill, and the threshing machine, have greatly abridged labor, and cheapened production.

The great improvements of the age have, under the influence of this competition, been made in machinery, put in motion by water or by steam, to facilitate manufacturing, transportation, and travelling. Every effort in these improvements seems to have had but one object, and that the diminution of cost, in every possible manner, by the diminished use of labor and capital in every production. Your attention, sir, will not be called by me, at this time, to any of the wonders effected by competition in any of the facilities given to travelling or

transportation. Permit me for a moment to illustrate the effects of competition on the production of fabrics manufactured from cotton.

At the commencement of our great system of policy, for encouragement and protection, the cotton was, at a cost of six or seven cents a pound, picked and prepared for the card, entirely by the labor of the hand. This labor, if now expended on the eighty million pounds of cotton wrought into cloth in the United States, would cost not less than five millions of dollars. To save this cost, a cotton picker has been invented. This performs the work at so little expense, that it does not equal what was formerly paid for carrying out the cotton to be picked by hand, and bringing it back when the work was done.

Cloth was, at first, woven in the hand loom, and six cents a yard paid for the plainest and coarsest fabrics. The power loom was invented; and such cloths now cost a smaller number of mills for the weaving than the number of cents once paid for that work.

Twenty years ago cloths were bleached in this country by the sides of rivers, in fields, by the application of water and sunshine. This operation cost one-half the price of weaving. Bleaching is now a chemical process, and the whole expense of it very inconsiderable.

The same principle of competition has been applied to the production of machinery itself, though its operation here has effected a less saving of cost in this than in the fabrics produced by it; yet those who commence manufacturing now do realize from this cause a wonderful advantage over those who began ten years ago. At that time, one million spindles, with their accompanying preparation, would have cost eighteen millions of dollars. That number of spindles, and that quantity of preparation, may now be had for perhaps less than fourteen millions.

This competition, in this race of labor, which seems to be the very spirit of our age, has set every power of human invention at full work to apply all physical agents in aid of the human hand. Streams which, at the commencement of our system, were either idle and babbling brooks, or wild, ungovernable torrents, are brought up to labor, or broken into the work, and move forward in the service like powerful animals trained to the harness, and obedient to the voice of the driver. They require no forage to keep them in working condition; and when you have been at the expense of keeping their gear in repair, you have saved all other cost of their employment. What has produced the skill, the perfected art, in every department of manufacturing production, so much superior and so much less expensive than any thing known, either in this country or Europe, when our system of encouragement and protection was begun by the law of 1789? Sir, all these wonders have been effected by competition; by competition put in operation by that system in this country, and by a like system, first of all in England, and afterwards adopted in France. Such has been the astonishing effect of this principle on skill, labor, physical agents, machinery, and capital, in this and in other countries, that commodities which we now export and import at a cost of seventy-five millions of dollars, would, in 1789, have cost two hundred and fifty millions of dollars if the labor of the world could then have supplied them for human consumption.

Sir, who complains of this diminished cost of production in those necessaries of life, which enables the laborer to feed as well, and to dress better than any peer of the realm at any time during the wars of the white and red rose in England? Not the poor man. No, sir; but poor men make no complaint; nor middling interest men; nor any of all those freemen who do the work, and fight the wars of the world. Neither, sir, does involuntary labor complain, as I presume; for that labor may have some interest in the cheapness of some commodities. Who, then, does complain? Who wages war against our great system of encouragement and protection because it gives, and gives abundantly, and gives cheaply, food, and clothing, and shelter to the labor as well as to the wealth and the leisure of our country? The owner of the slave complains, because—ay, sir, because of what? Because of the diminished price, not of clothing, not of bread, not of provisions, not of sugar, not of iron, but of cotton. Sir, this is the great, the continuing, the increasing injury wrought by our policy of encouragement and protection upon the owners of slaves. It awakens universal competition, and crowds the markets of our country with all kinds of commodities at the smallest rate of cost, at the most diminished amount of price. Cotton, the product of their peculiar capital, has felt the effects of competition, and, with every other product in the trading world, has been reduced in market price. Shall this system, for this cause, be destroyed? It was established to enable our country to supply its wants at the cheapest rate with the most abundant quantity of all those commodities which labor, and skill, and capital can produce. The system has hitherto performed this great work, and the accusations of its enemies are so many demonstrations that the hopes of its friends have not been disappointed in its operations.

It was intended, I grant, by the encouragement and protection of manufacturing production, if not to augment the price, yet mightily to extend the market for agricultural production. Has the system failed, or disappointed any of our hopes in this? Is not the agricultural market of our country extended, and extended too by the calls made in that market for its products by encouraged and protected manufacturing labor and capital?

Does not the manufacturing East make in this market a very efficient demand for the agricultural as well as mineral products of almost every State in the Union? Does not the manufacturing labor, in working the capital of that region, call efficiently on Virginia for tobacco and flour; on North Carolina for lumber and corn; on South Carolina, Georgia, Alabama, and Mississippi for cotton and rice; on Louisiana for sugar; on Kentucky, Ohio, and Indiana for beef, pork, hams, lard; on Illinois and Missouri for lead; on Ohio, Pennsylvania, and New York for wool; on Tennessee, New Jersey, and Pennsylvania for iron? Look into every State wherever manufacturing labor is permitted to set a foot, or to erect a workshop, and the operations of these establishments immediately create in that place a new and efficient demand for the products of the fields, the mines, the forests, and the fisheries of our country.

This manufacturing labor brings into this market, in exchange for all these products of all our other labor, all its own various fabrics, cheapened by their reduced cost and abundant quantity, under the ceaseless operation of that spirit of competition first created and now kept alive in our country by our great policy of encouragement and protection.

Sir, is there no benefit peculiar to our country found in a market at our own door, so supplied with domestic manufactured fabrics, and thus offered in exchange for the products of the land, and labor of our country in all our other employments? It was not forgotten in 1789, when we began our system of encouragement and protection, that our country was distant three thousand miles from the looms and workshops of all Europe. Our supply of manufactured fabrics, if brought over such a distance, must of necessity be charged with all the cost expended in the several voyages made for that purpose. It was believed by statesmen of that homely period of our history that if we travelled three thousand miles to purchase our shoes and stockings, many of us would, for want of the wherewithal, be compelled to go barefooted. Should our country carry abroad to Europe raw hides, wool, iron, and cotton, to be manufactured for our consumption, we

must ourselves pay the expense of this exportation. Freight, charges, and insurance against the perils of the seas would only be equal to fifteen per cent.

If we export other raw materials, or breadstuffs and provisions, to pay the labor of Europe for this manufacture, these would come to the consumption of that labor at a cost augmented by a like amount of freight, charges, and insurance. If labor be one-third part in the cost of manufactured products, then one-third part of this augmented cost would fall on their products manufactured for us: this would add five per cent. more to their cost. The cost of importations, at least fifteen per cent. more, must be added to the whole amount; and thus, at all times, in the most peaceable condition of the world, and when trade was perfectly free with all nations, the whole consumption of our country in foreign manufactured fabrics must, by our distance from Europe, forever have been encumbered with thirty-five per cent. charged on the whole amount, for the cost, charges, and perils of transportation. To this must also be added the war perils of this transportation. There has not been more than one year of peace in every two years since the establishment of this Government. During three years of the time, our own country was engaged in war, and, in every other year, such was the character of belligerent controversy among the nations of Europe, that our commerce on the ocean was, while war existed between them, exposed to almost every kind and degree of belligerent peril. A premium covering the perils of war between the United States and any part of Europe is not less than fifteen per cent.; and if we admit war to have existed but one-third of the time since 1789, the insurance against all its risks on all our exports, and all our imports, would be at least five per cent. This adds ten per cent. more to the cost of manufactures, paid for by exported raw materials, and imported for our consumption.

It is, therefore, manifest that our distance only from Europe must, in the ordinary condition of nations, and in a state of perfectly free trade, charge not less than forty per cent. on our whole imported consumption of manufactured fabrics. To preserve our country from a cost so onerous to our future consumption, was one great purpose of our system of encouragement and protection. No policy, either free or friendly, established by other nations in relation to the United States, could ever relieve us from this burden. It was the glorious allotment of those who first put this Government in motion, to devise a great scheme of policy, which, in its progress, should feed, and clothe, and shelter, and accommodate every man, woman, and child in the nation by our own labor, and the use of those agents of production placed by the Creator within the limits of our own country, and in the reach of our own hands.

This system relieved our consumption from that burden of expenditure, and it moreover opened a market, and provided a full supply of those fabrics in our own country, and thereby secured to our agriculture the perpetual power of exchanging its own products for those fabrics. By the removal of this great emporium of exchange from Europe to the United States, it is placed without the jurisdiction of all the laws, and restrictions, and prohibitions of the Old World; and agricultural and manufacturing labor may now meet in this great mart of our country, and exchange their products without permission from the English Board of Trade, and without a repeal of one provision in the corn laws of England.

This was one great purpose in the establishment of our system of policy. It was foreseen, in 1789, that the time would come when not only our provisions and the products of our forests and fisheries would be excluded from England and France, but that our corn, rye, wheat, and flour, then received, must also, in time, suffer a like exclusion. It was the object of our system to provide a market for these great staples of our country, whenever the policy of Europe should exclude them from the markets of those countries. The wisdom of that provision can be equalled by nothing but by that folly which shall now destroy it.

It was likewise foreseen that, without such a market, it would not be possible to preserve that independence which had then so lately been achieved. The staff of bread is the staff of power; and any nation which can defend her own fields, can control every nation which must be fed from them. What has been the fate of those nations which, without lands to supply their people with food, have striven for wealth and power by commerce alone? Ancient Tyre, Carthage, Venice, and Genoa, have given lessons to the world on this question; and by English statesmen those lessons have been deeply studied; and they have carried the learning derived from those lessons into the policy and legislation of their own country. Although that nation controls the ocean, and might, by her fleets, safely convoy her corn from Hindostan or New Holland, yet never will she make it a part of her policy to draw her bread from any fields beyond the shores of her own glorious island. When population presses hard on subsistence, she will send out citizens to other nations, colonies to other countries. It is her policy to export men; but it is not, and never will be, her policy to import corn.

In the early stages of society, independence for bread is more indispensable than independence for clothing: for man, in a savage state, may subsist, unsheltered and unclad, but he cannot continue life without food. Advanced in civilization as we are, and with so many corporeal wants other than that of food, what independence, in political power, could this nation retain while dependent on other nations for those clothes which are wrought into the every day garments of the people? Would those nations hold no influence in making our laws? no power in the management of our elections? If England held in her hand our hats, now so needful to the very forms of legislation in this hall, and our other garments, not only in name, but in fact, indispensables, would not the American people have some cause to doubt the independence of our enactments, thus made by us bareheaded and *sans culottes?* Sir, next to that dependence, felt by the nation when fed on the feeding nation, must ever be that dependence, which the American people would have felt, on the power and legislation of England, had that people drawn our whole needful wearing apparel from the labor and the looms of that island.

We have been told by the South, in voluminous discourse on this floor, that such a mutual intercourse would produce the most amiable and christian relations and feelings between the two nations. How may this be done? The people of England will never cross the Atlantic to look for their bread in any ovens here in these United States. If then we were wise enough to cross the same ocean, and walk into their workshops to look for our clothing, how should we succeed, when we have nothing but bread to offer them in exchange? Nay, it has been often insisted upon, both here and elsewhere in our country, that our policy is intended to produce a spirit of independence, unsocial in its nature, and hostile to the power of both nations. Mutual dependence would, as we are told, unite the two people by a golden chain of commerce. Sir, I would not unite the American people, by any tie of dependence, to any other nation on earth; nor, for all the countless millions of commercial wealth, would I, by even a golden chain, bind this youthful and vigorous nation to the foot of the British throne. The very birds of the air would teach us a lesson of more wisdom:

> "Would the young goldfinch quit his native briar,
> "For the bright cage o'er-arch'd with *golden* wire?"

It was one of the great purposes of our system of encouraging and protecting policy, to relieve the American people from a dependence on foreign nations still more degrading. Those nations generally impose a duty on raw materials imported from foreign countries. In 1789, by the English tariff, the impost duty on iron in bars was thirty-eight dollars per ton, on wool thirty-three, and on cotton twelve per cent. Had not our Government established a system of encouraging the manufacture of such materials in the United States, they would have been exported; and, after paying these duties into the English treasury, they would, with that payment charged upon them, have been wrought into fabrics, imported into this country, and we, after reimbursing this English tax, must have quietly worn these English cottons and woollens, and used this English hardware and cutlery. From the payment of this degrading tax, in support of the British Government, the framers of our system of national policy intended to relieve the American people.

The enemies of that policy would now repeal our great system of encouragement and protection, and thereby increase and perpetuate that tax. They would destroy manufacturing labor, skill, and machinery in this country, and compel the growers of wool and the makers of iron, as the producers of cotton in the United States now do, to send their raw material to England for fabrication into woollens and hardware, that we may feel our dependence on that nation in winter no less than in summer, in the North as well as in the South, when we plough our fields, or when we sit at our tables and carve and cut up our food. Let those people, the degenerate descendants of patriotic and independent parents, yes, let them, to obtain British fabrics, submit to the payment of a British tax on their own cotton. Let the wealthy planter feel the comfort of such a garment with such a mark upon it. No one would take from him the luxury of this indulgence. Southern beauty and fashion may adorn themselves in the lawn of foreign looms, wrought from the snowy fleece of their own sea islands. If they can forget their mothers, who, like Roman matrons, would have melted down their own jewels, the ornaments of their youth and beauty, to defend the independence of their country; if they do not now seem to behold those mothers looking on them from the realms of their blessedness with the eye of affectionate rebuke, why, sir, then may the patriotism of these days, so much less devoted and unyielding, well look on them without a sigh of regret.

Our great policy of independence will indeed relieve us from this degrading burden of English taxation, if we do not suffer the enemies of our system and the friends of the English system to prevail; and because we have, under our own system, completed the payments of our own debts, now abolish it, and adopt the English system, that under it we may be compelled to aid for centuries in paying the debts of England.

In the establishment of our system of encouragement and protection, in 1789, it was known that such a system would, in the progress of its operation, call into employment all the labor of our country. Men labor in any vocation, to supply their own wants; and they will not continue their labor beyond that original purpose, unless they can exchange the surplus of their production for that of some other man which they could not produce themselves. The markets of the world are supplied by these surpluses, and it is the certainty of exchanging them that ensures their production. This principle originates all trades, and parcels out all the labor of a nation into all kinds of employments. If all cultivate the land, there will be abundance of food. Who would raise corn or make shoes to sell, where every body raises his own corn or makes his own shoes? It is only by the encouragement of all trades that all trades can live; and by the furnishing of all employments alone, that all the labor of the nation can be employed.

The same principle which gives employment to all the labor of a country, by separating that labor into all the various trades by which the various wants of a nation may be supplied, will encourage that labor to acquire the greatest attainable degree of skill.

Our system not only gives employment to the greatest quantity of labor, and produces the greatest degree of skill in every branch of production, but does, moreover, call into use all the great agents of production bestowed on man by the Creator for his benefit and accommodation. These agents are the earth, the water, wind, and steam. Fertility is the great principle of production peculiar to the earth. This principle is called into use by a demand for food, and is more and more varied in its operations, and perhaps increased in its powers, as that demand grows more and more urgent by increased population. Men employed in mechanic, manufacturing, or commercial labors, collect into hamlets, villages, towns, and cities. The lands surrounding these congregations of people are cultivated to supply them, first, with bread, then meat, then vegetables, then fruits and fuel. This gives to the face of the country cornfields, meadows, pastures, gardens, orchards, groves, and forests. The fruits of the earth, consumed on the land which produced them, or in its neighborhood, encourage, nay, increase, its original fertility. The sweepings of the city enrich the fields around it; and even the smoke of its fires, rising into the circumambient air, mingles with descending dews and showers, and gives a more vigorous growth and a deeper verdure to the grass of surrounding meadows.

Besides, this various production calls into use the various powers of fertility. Instead of exhausting the earth by one continued repetition of the same crop, a change from one to another gives rest and refreshment to the soil, and skilful rotations not only preserve, but increase original fertility.

Compare the face of such a country with that of one devoted to the production of cotton and tobacco, grown for sale in the markets of distant nations. You will see naked, sun-burnt, steril old fields which died under the scourge of these productions, and are now thrown out in barrenness and desolation; but where is the orchard, the garden, the meadow, the pasture, the sheltering grove? You may find the waterfall, but without the hamlet of white houses on its banks. Nowhere can you see the village spire, and from no hill does your ear catch the sounds of the distant city, the echoing hammers in the hundred hands of her labor, or the roar of their thousand wheels.

Nor is fertility alone, of all natural agents, pressed into our service under our system of encouragement. The wind, as a stationary power, is but little used in our country, so abundant in waterfalls. The wind is, nevertheless, rendered more useful by our labor than merely to blow "round upon this pendent earth," purify the air, and refresh the animal and vegetable world. The sails of our navigation are filled with its powerful volume; and our commerce, both coastwise and foreign, is thus transmitted on the wings of the wind, from port to port in our own, and from region to region in almost all other countries.

A system was once proposed to our nation, by which all our labor might be recalled from the ocean, and, by cutting off one great branch of employment, leave the total transportation of all our products to the skill and fidelity of foreigners. Our nation was either not wise enough, or too wise, to adopt this policy; but chose to continue her own factor in the little and the great marts of the world.

Sir, there may be those who regard rivers as so many conduits contrived to carry back to the ocean the waters raised by evaporation, and sent down in dews and showers to refresh the earth. By our great system, the weight of these waters has been collected, and turned in their fall upon the wheels of machinery; and in this manner millions of instruments, made to facilitate the operations of our

labor, have been put in motion. Where waterfalls cannot be found, or could not be applied, steam is generated and brought into employment, with like powers, and for the same and other purposes.

These powers applied to machinery do, in effect, multiply the human race, and give to us now the benefit of the labor of millions not now, and who never will, be in existence. They multiply the power of the human hand, some twenty, some fifty, and some a hundred fold. Every one person laboring with the aid of these machines is equal to fifty persons working with the hands only; every one hundred to five thousand; and every one hundred thousand to five millions. Who would not cherish a system which calls into service powers so abundant, but so useless without this system? In the little State of Rhode Island, with no stream forty miles in length, the water power is believed to be equal to that of 17,000 horses. The water power of the seven States south of the Potomac probably equals the whole animal power of all the horses on earth; and, if harnessed to well constructed machinery, would, in the hands of skilful mechanics, perform more work than could be done by three hundred millions of people.

Sir, it was to employ all our labor, elicit all our skill, perfect all our machinery, and bring into use every agent of production, the power of the earth, the water, of wind, and of steam, that our great system was begun, and has been carried on towards perfection. Must we, who have already harnessed and broke these rude agents of nature into the work, must we turn them loose again, in all their wildness, because men in other parts of the country choose to stand idle on the banks of their native streams, and refuse to start these their powerful teams in the course of labor and competition with us? God forbid that industry should be controlled in her labors by indolence; or that this nation should unyoke these our gigantic powers of production, and naked-handed enter into competition with the laborers of the world, aided, as they are, by every agent of nature, instructed by every process of science, and made skilful by every improvement of art.

Sir, in this age of the world, the wealth of nations depends on their labor. There was a time, nay, for many ages, plunder was the great resource of nations. The first kingdom established on earth was sustained by the conquest and pillage of many nations; and "great Babylon, the glory of the Chaldean empire," was built and adorned by the spoils of all Asia. The exorbitant wealth of one nation, thus obtained, gave an example to the world, and awakened the ambition, and sharpened the avarice of others; until the Assyrian was conquered and plundered by the Persian, the Persian by the Macedonian, and he, at last, devoured by the Roman power. The wolf which nursed their founder seems to have given a hunger for prey, insatiable, to the whole nation. Perhaps there was not a house, nor a temple, between the Atlantic and the Euphrates, which was not plundered by some one of that nation of marauders.

Sir, the tide of ages, century after century, had rolled over the last fragment of Roman power; the light of science dawned on the world, and a knowledge of letters was disseminated by the press, before men seemed to believe that our Creator had, in fact, announced to the first of our race, that "by the sweat of his face man should eat his bread all the days of his life." It may be difficult to enumerate all the different causes which changed the character of the nations of Europe. No one cause has done so much in changing that character from war and plunder, as that pure, meek, and quiet philosophy, which has taught all men to "do unto others as they would that others should do unto them." Rebuked by this divine precept, men have sheathed the sword, and put their hand to the plough; they have mined the earth, and not for the instruments of war, but for the machines of labor. If, now, war break out, it is not for plunder; cities are not given up to pillage; captives are not sold for slaves; territories do not change owners; men return again with eagerness to the habits of peace, and do not look to the labors of the camp, but to those of the plough, the loom, and the sail, for emolument and wealth. No vestige of ancient war among independent christian nations now remains, unless it be in those fragments of slavery, which, perhaps, neither sound policy, nor justice, nor piety itself, can tear away from the texture of that society where they are found. If labor, therefore, and not the sword, be the great staff on which nations lean for support and for wealth, then should it be their great policy to call their whole labor into employment, improve its skill to the utmost point of perfection, aid that skill by every kind of machinery which may save the consumption of labor, and support the operations of that machinery by the power of all those agents placed within our reach by Him who has committed the destiny of every people on earth to their own keeping.

Wealth is power; and the defence of every nation depends on its wealth. The wealth of a nation is its labor, its skill, its machinery, its abundant control of all the great agents of nature employed in production. A great store of goods, laid up for many years, was the wealth of a fool; but such a store is the poverty of a nation. A great annual consumption alone can ensure a great and augmented annual reproduction. The labor of a nation can no otherwise be sustained than by a consumption of its products. The products of human labor, in food and clothing, like the fruits of the earth, are annual; and God, in his wisdom, has adjusted human wants to its powers of production. Like the bread from heaven, that the Giver might not be forgotten, the dew of every night produced the crop, and the labors of every day gathered in the harvest.

What but a mighty phalanx of labor, an almost boundless power of consumption and reproduction, has defended, and now sustains England in all the athletic vigor of the most glorious days of that extraordinary nation? Men who speculate on the duration of nations seem to assign to them the several periods of human life—youth, manhood, old age, final dissolution. They draw their conclusions from the nations of antiquity, and apply them to those of modern times. They forget that those ancient nations were like beasts of prey, which find an enemy in every living thing, and must be, sooner or later, circumvented by stratagem, or overpowered and destroyed by force. Producing nothing by their own labor, and consuming all which, by violence, they could plunder from the labors of others, their whole existence was a burden to the human race, and they were finally destroyed, as a common nuisance to mankind. Not so with England: she is a glorious example of the self-subsisting, the all-producing, and all-defending powers of labor. With a valor purely Spartan, she builds no wall against the wars of the world. Her little island, accessible at a thousand points, and often within gunshot of the embattled fleets of her enemies, has not, for more than seven hundred years, been stepped upon by a hostile foot. What has enabled her to do this? Her untiring labor; her unrivalled skill; her unequalled machinery; her exhaustless capital, and unbounded control over all the agents of production. Her goods, wares, and merchandises are in all the markets of the world; and wherever she wants a tongue to speak to her cause, or a sword to be drawn in her quarrel, if such things can be found in those markets, she can command them.

This manufacturing nation did, in the last war of Europe, exhibit a spectacle never before seen by the world. She stood alone against the embattled continent; and, at last, with her own spindle and distaff, demolished a despotism, an iron pyramid of power, built on a base of all Europe.

Sir, can such a nation ever grow old, and cease "to be mighty in power?" Can any other nation escape the influence of that power, and stand independent of its controlling arm? No; unless, by a countervailing system of policy, that other nation, like the first Congress of the United States, call into employment all its own labor; perfect the skill of that labor; and place in its hands all the aids of the artificial and physical agents of production.

What then was our great countervailing system, founded by that Congress, on the law of 1789, and, since that time, built up, and carried on towards a perfect structure, by so many other laws, made for the encouragement and protection of our own labor, and so many enactments in every branch of legislation, designed to promote the general welfare, under the great policy of that system?

Sir, that system, which though it shall exist nowhere else, will live in history; that system was a great scheme of burdens and benefits; Government, supported by burdens imposed on the labors of the people, and the people, in return, benefited by the labors of Government.

If, henceforth, the Government cease from such labors, and the future bring nothing worthy of national gratitude, indulge me, I pray of you, sir, while I recount a few of those labors; for "we cannot but remember that such things were, and were most precious to us."

If the system was one which, as the gentleman from New York [Mr. CAMBRELENG] says, no statesman would have adopted, he should remember that Hamilton, and Ellsworth, and Madison had not the benefit of his counsel. For though *in esse* in 1789, he was thought much less of then, if possible, than at this time.

In 1789, all the young interests of our country were in their infancy; and the Government, like a most kind parent, took them by the hand, and cherished them with care and solicitude. From that day up to July 14, 1832, when the last law regulating duties upon imported merchandise was approved, the records of congressional labors are covered with statutes made for either the direct or incidental encouragement and protection of all these interests. On this great question, the Executive recommendations to Congress are full of demonstration; the votes of the Senate are full; the votes of this House are full; and the debates in both Houses are full, and abundantly show the extent, the confirmation, and, until within a few years, the universality of this great system of policy. You have extended the principle of encouragement and protection to your manufactures, your agriculture, your fisheries, your navigation, your commerce, as well foreign as among the States and with the Indian tribes; and you have made the regulations of coin and currency, the national defence, both by sea and on the land, the disposition of the public domain, the payment of the national debt, parts of this great system of encouraging, and protecting, and employing the whole labor and skill of this nation, and bringing into their use all those agents of production which nature may have bestowed or art might devise to facilitate the efforts of that labor in all parts of the country.

The encouragement to manufacturing and mechanic labor has been so persevering and efficient, that, in several departments of production, the labor and skill of our own country do abundantly supply the domestic market; and in these departments that labor and skill are effectively protected. Among these may be found shipbuilding, the manufacture of cut nails and spikes, of carriages and parts of carriages, of glass and glassware, of jewellery and plated ware, cabinet furniture, saddlery, shoes, boots, and hats. The manufacture of cotton and woollen cloths, of iron, hardware, and cutlery, has been greatly encouraged, and has increased with astonishing rapidity, and to a vast amount, whether we regard the capital invested, the labor employed, or the amount of production brought into the market. In years of fair importation, if the domestic consumption of woollens be seventy millions, the domestic production supplies more than nine-tenths part of it. If the cotton consumption be sixty-three millions, the domestic production supplies eight out of nine parts of the whole. It may be difficult to ascertain, so as to state with exactness, what parts of the whole iron and steel, consumed in the United States, are produced and placed in our market by domestic labor; but we know that the iron, in 1830, amounted to nearly $14,000,000. A few more years, under our great system, with its principle fully sustained by our legislation, will render the American people, both in peace and war, independent of foreign nations for every other necessary fabric, as they now are for ships to transport their commerce, or to defend that commerce on the highway of nations.

The effects of our great system of encouraging and protecting policy on the manufacturing industry of our country, may be seen by examining the reports made by various committees appointed by a convention of the friends of that industry, assembled at New York on the 21st of October, 1831. These reports refer to the year 1830, and are, in their fidelity and detail, equalled by nothing of this kind in our country. In these reports, perfect accuracy cannot be attained; but all who examine them will find an approximation to that point sufficiently near for all the fair purposes of debate, and all the aids of honest legislation.

The amount of fixed capital employed for manufacturing cotton in the United States was, in 1830, equal to		$44,014,924
The circulating capital equal to		14,712,000
Being equal to three-fifths of the amount of the expenditure annually made for raw materials and wages, which is equal to $24,522,000, and making the total capital,		$58,726,924
The total product, in that year, was		32,036,760
The expenditure for wages was equal to	12,155,723	
The amount paid for raw materials,	12,366,277	
Deterioration and repairs of fixtures, say one-half of fixed capital, at five per cent. per annum, is equal to	1,100,000	
The annual deterioration and repairs of the other half, being the machinery, at ten per cent. is equal to	2,200,000	
Total expenditure,		27,822,000
Amount left after deducting total expenditure from total production, is		$4,214,760

This balance, if no other charge be made on the annual production of this manufacture, is equal to seven per cent. and a small fraction.

It should not be forgotten that this whole statement refers to the year 1830, a year of light importation, not much over seventy millions in all commodities: of cottons, not exceeding seven and a half millions, with an export of those fabrics equal to $1,500,000; and of domestic cottons equal to 1,300,000 dollars. In this uncrowded market, profit rose to seven per cent. What must it have been in 1831, when over 103,000,000 dollars, in all commodities, were imported, and of that amount upwards of 16 millions were cottons? Price and profits in our cotton productions, like all others, depend on demand and supply. In this year, nine millions over the supply of the

preceding year were thrown into the market, and must have been grievously felt by that arm of our industry in our country.

I have made no account here of the effects on manufacturers produced by the advancement of skill and the perfecting of instruments in the manufacture of machinery itself. It is admitted that this progress has, in the last ten years, reduced the cost of machinery fifty per cent. Here is a loss of five per cent. per annum on one-half of the fixed capital invested in the cotton production throughout the United States. If Southern planters now commence this manufacture, they will find that the 1,246,503 spindles which, with their preparation, have cost the North twenty-one millions of dollars, would, at this time, cost them not more than fourteen millions.

It is seen that the amountof wages paid by the manufacturers of cotton equals $12,155,723; and that this amount is annually distributed among one hundred and thirty-five thousand people, men, women, and children, being about $89 annually to each person. Of this amount, it is believed that these working people do, by their unwearied economy, save, annually, not less than one-fourth part, or more than $3,000,000. The remainder is consumed on their annual support. About one-ninth part, or one million, secures to them the benefits of shelter and lodging, three-ninths, or three millions, furnishes their clothing, and five-ninths, or five millions, supplies their food.

The capital employed in the manufacture of woollen cloths is not less than the amount employed on cottons, which, as it has been stated, equals $58,726,924. The details of this manufacture are diverse, and quite variant from those of cotton; but, in many respects, so alike, that no injustice will be done in the great question of employment, wages, production, and profits, by regarding the cotton, in many respects, as a basis for calculations on the woollen manufacture.

People employed are one hundred and sixty-two thousand.

Wool consumed, worth - - -	$26,000,000
Other raw materials, - - -	11,000,000
Wages paid, - - - -	14,418,000
Annual expenditure for repairs and deterioration, - - - - -	3,300,000
	54,718,000
Total value of annual production, - -	58,932,760
Balance of production, over and above expenditure, - - - -	$4,214,760

This gives a profit of seven per cent. on the capital of about 58,000,000 dollars employed in the woollen manufacture.

These two great employments of labor, operating by two hundred and ninety-seven thousand people, using $117,453,848 of capital, paying more than $26,000,000 in wages, working up of raw materials nearly $50,000,000, and annually producing fabrics worth at least $87,000,000, to be distributed for consumption to the whole nation in all parts of the country, are still but a part of the great employments of such labor, now operating in our country, under one great system of encouragement and protection. Other classes of manufacturing labor use capital in other kinds of production. It will be found that such labor employs not less than 7,000,000 dollars as capital, in making salt; 20,000,000 in hats; 10,000,000 in shoes and boots; 10,000,000 in manufacture of leather; 5,000,000 in that of glass; 7,000,000 in cabinet ware; 6,000,000 in carriages; 20,000,000 in iron and steel, and manufactures of each; 5,000,000 in saddlery; and 10,000,000 in jewellery and plated ware. Not less than two hundred and thirty-two thousand people are annually at work with this 100,000,000 dollars vested in all the various kinds of capital used in all these different classes of production. Wages equal to $20,415,000 are yearly earned by these people; and their annual production, after paying these wages, and all disbursements for raw materials, together with repairs and deterioration of capital, leaves a surplus of about 7,265,000 dollars, being, also, like the cotton and woollen production, a fraction over seven per cent. profit for the year.

To all these may properly be added the labor employed, and the land and capital used, in raising wool: because these are absolutely necessary for the woollen manufacture. Twenty millions of sheep, in the United States, worth at least 40,000,000 dollars, are fed on the grass, hay, corn, raised on six million five hundred thousand acres of land, worth ten dollars per acre, and equal in amount to 65,000,000 dollars. The culture of this land, and the care of these sheep, will employ one hundred and ninety-four thousand men, for such a part of the year, as that their wages, they furnishing their own subsistence, will equal about eighty-nine dollars each; and amount, in the whole, to about 17,266,000 annually. The product, in wool and increase, may amount, on an average of years, to 25,000,000 dollars. This leaves a profit of 7,734,000, or nearly seven per cent. annually on the capital.

It is thus seen that the progress of this great system of policy has, since its commencement, gathered into all the various classes of mechanic and manufacturing employment, not less than seven hundred and twenty-three thousand working people. If you add to these the builders of houses, and the builders of ships, you may leave uncounted the women and children employed in lighter manufacturing labor, and still number more than seven hundred thousand working men—men who earn wages, and support families of not less than four persons each. Here are two million eight hundred and seventy-two thousand people, the vigor and strength of the nation, made prosperous by the operation of our great system of encouragement and protection.

These people keep in useful and productive employment, as capital, not less than 312,453,848 dollars. They furnish, in various fabrics, a yearly mass of production, of a value equal to 160,969,520 dollars; give to the owners of the capital so used by them a return of profits amounting, annually, to 23,428,520 dollars; and earn for themselves 64,284,723 dollars, as the wages of their annual labors. This has been effected, under this cherished system of policy, in the short space of forty-four years from and after its first establishment. This, sir, I say, this has been done almost exclusively in mechanic and manufacturing industry; but, at the same time, encouragement, extended to agriculture, has given to labor a wonderful impulse in that great department of industry. Distant from other countries, and abounding in cheap and fertile lands, a small impost excludes the agricultural products of other nations from our markets. Excluded, as the breadstuffs and provisions of America always must be, from Europe, either by laws or intervening distance, nothing could so much increase their production as the opening of a great manufacturers' market for them in this country. That market is supplied, exclusively, by the agricultural labor, using the agricultural capital of our own nation. The amount of this labor and capital may be estimated by the amount of this supply; and this supply must be commensurate with the efficient demand made in this market, by that manufacturing labor of our country, which earns wages, and purchases with those wages household accommodation, clothing, and food, for all who depend on that labor for shelter, dress, and subsistence.

It has been seen that the annual amount of wages earned by mechanic and manufacturing labor is somewhat more than sixty-four millions of dollars. If one-fourth

part of that amount be annually saved, still forty-eight millions will be left for consumption. If one-ninth part of that amount be required for shelter and lodging, and three-ninth parts for needful clothing, then five-ninth parts, or nearly twenty-seven millions of dollars, will remain for the annual purchase of food. Here, then, is a clear effective demand, within our own country, for food, amounting to twenty-seven millions of dollars annually. This demand has been created by the encouragement of manufacturing labor; and this demand has encouraged, and does encourage, agricultural labor so to extend its production as to supply this demand, and realize this whole twenty-seven millions of dollars annually, as a profit on the capital employed to effect that production. What amount of labor and capital must go into operation to effect this purpose? What quantity of land, and of what value; what instruments of cultivation, and of what cost; what number of men, and at what expenditure for their wages, have been, and now are, called into employment, to feed this manufacturing labor, and realize this annual profit of twenty-seven millions of dollars? We have seen that manufacturing industry realizes annually about twenty-three millions of dollars as the profits on capital. To effect this, the capital used exceeds three hundred millions of dollars; the labor employed is more than seven hundred thousand hands; and more than sixty-four millions of dollars are annually paid in wages. Does the agriculture of our country annually realize a profit of twenty-seven millions of dollars, by feeding the manufacturing labor of our country? Then that agriculture does use for that purpose more than three hundred and sixty-six millions of dollars as capital, and employs more than eight hundred and ninety-two thousand persons in all the various labors of the field, and pays to them, in wages, more than seventy-nine millions of dollars annually. These agricultural working men feed themselves and their own families; and not less than four persons are subsisted, clothed, sheltered, and lodged, by the effective labor of each one of them. Here are three millions and a half of people employed in all the honest and wholesome vocations of husbandry, and, by our great encouraging system, sustained in a condition of existence, both moral and physical, far more prosperous than that of any other agricultural people in any other region of this earth.

Is it not a great and a glorious system which has produced such effects? Were not they statesmen who laid the foundation of this system? And they, too, were they not worthy of all praise, who have, piece by piece, built up the whole superstructure, and thereby peopled our land with so much labor and skill, furnished so much mutual employment for that skill and labor, aided, as they are, by so many instruments of toil and agents of production? What a market is here, in our own country, supplied by this system, from the labors of our own lands and workshops, with all the nourishing fruits of the earth, and all the needful fabrics of human skill!

Nor is this all. Our great system of encouragement comprehends every class of labor, and every source of wealth. The seas teem with abundance, and no prudent nations have ever neglected the encouragement of their fisheries. England and Holland have encouraged and protected them, both as a source of wealth and as a nursery of seamen. The United States adopted this policy as a part of their great system, commenced by the law of July 4, 1799. I shall quote none of the laws enacted for that purpose, but merely call on the committee to look out on the ocean, and view their countrymen straining at the line, or hurling the harpoon, on every sea, and under every latitude. The bare tonnage floating these sojourners of the deep around the world, has cost more than ten millions of dollars; and they, by their ceaseless and perilous labors, draw five millions annually from the rich chambers of the ocean.

The shipbuilding trade of the United States was earliest among the labors of the country cherished by our great system of encouragement. By the law of July 20, 1789, all vessels thereafter built and owned by foreigners shall, on the entry at any port of the United States, pay a duty on their tonnage equal to fifty cents per ton; while vessels thus owned and built in the United States shall pay thirty cents only per ton. This discriminating tonnage duty has, from that time to the present, operated as perfect protection to the whole trade of American shipbuilding, and totally excluded foreign built vessels from the ship market of the United States. What has been the effect? Precisely what the founders of the system must have foreseen. Not monopoly of profits to American shipbuilders; not a monopoly condition of their work when finished; not a monopoly price for their fabric to the American navigator. No, sir, in this, as in all other branches of protected industry, every thing is performed under the exciting and perfecting spirit of competition. The ship market of our country, supplied exclusively by American industry—a market every way and entirely domestic, is supplied at a cheaper rate per ton than any other ship market in the world. Is the work well done? Are the models skilfully designed? Ask the mariners of every sea. They will tell you whose ships can hold the toughest and most successful controversy with the winds and the waves of every ocean—whose ships transport the most burdensome freights, and whose ships win their passages with the speediest expedition. Who, in marine architecture, has surpassed the American model? What nation sends out on the ocean her maritime commerce, or her naval warfare, in ships of finer form or more successful movement, than those of our own country?

The whole navigating interest of the United States has, in like manner, by provisions made in the same law, been cherished and carried forward under our great system of encouragement and protection. All vessels, neither built nor owned in the United States, must pay fifty cents, while all vessels, American built, and owned by American citizens, pay but six cents a ton on their entry at any port of the United States. In the coasting trade and fisheries, this duty was, by American vessels, paid but once a year; while foreign ships and vessels paid the same duty on every entry. A higher rate of duty, paid on merchandise, when imported in foreign vessels, gave another encouragement to American navigation. In all these several ways, the navigating interest has been cherished and encouraged under our great protecting system; and, although, under certain treaties, and by a repeal of certain parts of the law laying tonnage duties on vessels of the United States, some foreign vessels may enter into our ports without paying duty, yet such vessels can import no merchandise of the produce of countries other than their own, nor take any share in the coasting trade of the United States. Notwithstanding these several relaxations in favor of foreigners, American navigation is now perfectly protected, and, under that protection, has continued to flourish, beyond all parallel in other countries, or in former times.

Commerce, no less than navigation, has been embraced within the fostering principles of our national system of encouragement and protection. Whatever could be done by regulations, in aid of foreign commerce, has been effected. To secure the transportation of that commerce from country to country, you have given the ship master a control over the persons of all mariners who may enter into any written contract with him to perform any voyage. You have, in return, provided for the subsistence, the health, and the compensation of such mariners. You have inscribed a character of nationality on all your ships, and so regulated their lading that their cargoes shall acquire a like character; and, when the American flag is hoisted over them, all nations are informed that the United

States are the guardians of whatever floats under that broad ensign. You have further protected their commerce, by sending out consuls and commercial agents to all the maritime nations of the earth. Nor is this enough. The diplomatic relations established between the United States and so many other nations have no purpose more important than the protection and security of American commerce. Sir, that commerce is guarded in every sea, and the great highway of nations, covered with your going out and returning commerce, is thus secured from every port in our own country, to every harbor of every other country, by the guns, or the flag, or the fame of your navy.

This commerce is moved, in all its exchanges, by an immense capital. Not less than eighty-five millions of dollars are continually employed in all its operations. If prosperous in the outward as well as homeward voyage, it may, in each, realize ten per cent. on the capital; and this, after supplying a revenue annually to those concerned in the trade, equal to eight million five hundred thousand dollars, adds an equal amount to their capital, to be invested in that, or some other employment of the labor of our country.

Commerce among the several States was not forgotten when a system was to be established for the encouragement of all the labor of the American people. This commerce moves every where, and in all directions, by roads, railways, rivers, canals, and coastwise from end to end of our country. All your appropriations for surveys, during the last ten years, have been made to encourage this commerce. All subscriptions to canals had the same great object. Why have you, at such cost, dredged the Ohio, the Mississippi, and other rivers? To encourage and secure the movements of commerce among the States. For what other purpose have harbors been improved, channels marked out, breakwaters erected? Not only to direct the mariner returning from foreign regions, but to show to him his way from port, and conduct your coasting trade from one State to another, has your whole maritime frontier been lighted up, from east to west; and the same beacons, for a like purpose, are now beginning to blaze along the rivers, and on the shores of the great lakes of our country.

The amount of this commerce is immense. It comprehends not only all the surplus production collected from all parts of the country to be sent abroad, together with all commodities imported in return, and distributed, in like manner, for consumption, but it likewise comprehends all those various products which are moved in all directions from the producer to the consumer in all parts of the country. The amount cannot be less than ten times the amount of all our domestic productions exported to foreign countries. That may be annually equal to about sixty-five millions; and, if so, the commerce among the States cannot be, annually, less than six hundred and fifty millions of dollars. The encouragement of this commerce consists in lightening, by every possible means, the cost of its transportation. This can be done by internal improvement alone; that is, in roads, railways, canals, and rivers, freed of all obstructions, either permanent or accidental. This has been the great system of encouragement extended to commerce among the States, under the great constitutional grant of power to regulate that commerce, and to expend money for its encouragement and protection; on the same principle that money, in immense sums, is annually expended to encourage and protect commerce, under a like grant of power to regulate that commerce.

The constitutional grant of power, made to Congress, "to regulate commerce," has nowhere been so perfectly explained by unquestioned legislation, under the grant, as by the law made to regulate commerce with "the Indian tribes." Here the claims of the free trade school are forever put to silence. Congress has the same power "to regulate commerce," either with foreign nations, or among the several States, or "with the Indian tribes."

The law "to regulate trade and intercourse with the Indian tribes," made and approved March 30, 1802, has erected a wall of brass around the whole territory of those tribes lying within the territory of the United States, and has excluded every citizen thereof from all commercial intercourse with any of the people of those tribes, unless under a license for that purpose granted, and after bonds given not to abuse the power granted by such license. All merchandise transported into this protected Indian territory without such license, is liable to forfeiture; and all persons unlicensed, found within the same, are liable to punishment.

The power of Congress to enact this law has never been questioned. Congress has received, by the constitution, the same power, "to regulate commerce with foreign nations," and "to regulate commerce with the Indian tribes." Congress can, therefore, under the power granted by the constitution, place the same restrictions on the one which it can place on the other. The whole system of commercial regulations, whether in respect to foreign nations or the several States, or the Indian tribes, are alike derived from the same grant of power; and all have the same great ultimate object—the promotion of the general welfare.

Thus, sir, has our great system of encouragement and protection, commenced in July, 1789, raised up and carried on towards perfection the manufactures, the agriculture, the fisheries, the navigation, and the commerce of our country. Legislation in aid of all these might, nevertheless, have been useless; it would certainly have been much less efficacious, had not Congress, at the same time, exercised its great constitutional control over the national medium of exchange.

Congress have power "to coin money, to regulate the value of that money, and of all foreign coins used in the country." Literally speaking, Congress could, in regulating the value of money, merely enact what quantity of silver, and of what fineness, should constitute the money unit, the silver dollar of the United States; that the dollar should contain four hundred and sixteen grains of silver, twenty-two parts pure, and two parts alloy; that gold should be fifteen times as valuable, being of equal weight and fineness, as silver; and that two hundred and seventy grains of gold, twenty-two parts fine, and two parts alloy, should be coined into our eagle, and be of equal value with ten silver dollars. This regulation of the value of money could have relation to nothing but the purity and separation into parts of the metallic money of the country. The commercial value of money would, after all, depend on the quantity in market, compared with the demand for it.

When our Government first went into operation, and ever since that time, money, that is coin, has not been the medium of exchange, but merely the basis of that medium. Unless Congress could control that medium so as to make it, at all times, convertible into money, the basis of it, a power to regulate coins or money, would be useless, because the medium of exchange would not be regulated in its value by those coins or that money.

What, then, is the medium of exchange, and how may that be regulated by Congress? This medium is that which circulates from hand to hand, and is used, with a small quantity of metallic money, for change, to buy and sell all the commodities of the country; it is the currency, and consists of all those written promises to pay money, either on demand or at a time, which may be transferred by delivery or endorsement, or in any other way sufficiently facile for the purposes of commerce. It may be divided into four classes: bank bills; promissory notes, payable on time; bills of exchange accepted, but not payable; bonds; and, last of all, certificates of stocks.

The debts of individuals and corporations thus make the currency of the country; that currency will be sound if all parts of it may, at the pleasure of those who hold them, be converted into money. If it cannot be so converted, then that currency will be depreciated. If banks issue more bank bills than they can, in the ordinary course of business, redeem, bank bills will cease to be convertible into money, and will depreciate in their market value. This will, more or less, affect the soundness of all other parts of the currency, and depreciate its value. Money having ceased to be the basis of the currency, cannot regulate its value. Congress will have utterly lost, for every useful purpose, the power to regulate the value of money, as a medium of exchange, or as the basis of that medium.

Before the currency shall, by the overissues of banks, have become so abundant as that those banks can no longer redeem their bills on demand, that abundance will have greatly reduced the value of the whole currency. If, from any cause, at any time, banks add one-twentieth, one-tenth, or one-fifth part to the amount of their bills in circulation, the value of those bills, and of the whole currency, whether in gold and silver, promissory notes, bills of exchange, bonds, or stocks, will fall in value five, ten, or twenty per cent. The basis of that currency, the coined money of the country, will be found in the same condition--reduced in value by the reduced value of that representative of it, which, at any time, may be dollar for dollar exchanged for it. For so long as the circulating bank bills of the country may be exchanged dollar for dollar for any of the promissory notes, or bills of exchange, or bonds, or stocks, or silver dollars, or gold eagles in the market, so long will they all be of one equal, uniform value. That value will not depend on the quantity or fineness of the silver in a dollar, or gold in an eagle, but upon the abundance or scarcity of those dollars, or eagles, or of bills which may be exchanged for them in the market of the country.

Little benefit would, therefore, have been derived to the trade of our country from the power of Congress to coin money, or to regulate the value thereof, either in the fineness or quantity of silver or gold in dollars or eagles, unless some other power, given by the constitution, might enable that Congress to place some limit to the power of issuing bank bills, and thereby controlling the value of such coined money. The founders of our great system of policy soon foresaw these things, and discovered that Congress, to regulate the value of "money," and render it a circulating medium, or the basis of such a medium, must institute some establishment by which the issue of bank bills might be so controlled as not only to render them, at all times, convertible into "money," at the pleasure of the holders, but also to adjust the supply of those bills, by the amount issued, so exactly to the commercial demand for currency in the market, that no abundance or scarcity of that currency could, at any time, either so raise or so lower the value of it in our market as to affect, injuriously, the labor and capital of the country in any of the great branches of national industry.

For these great purposes, Congress very early established the Bank of the United States as a branch of the great encouraging and protecting system. It was necessary to render this institution not a treasury institution, established merely to create, from time to time, a medium for the payment of the revenue, but a part of the great system of labor in the country, established to regulate the value of that coin and currency by which all the products of that labor must be measured and exchanged. As a treasury institution, its issues of bills must be controlled by the demands of Government for revenue; but, as a part of the institutions of the country, formed in aid of labor, its issues of bills would be adjusted to the demands of that labor for a currency by which to exchange its various productions. In the one case, the currency of the Government, created for revenue purposes only, may be a surplus added to the national currency; and, by its abundance, reduce the value of the whole. In the other case, the Government and the labor of the country will have but one currency; and the total amount of it, increased or diminished, from day to day, throughout the year, will, at all times, be equal, and no more than equal, to the demand daily made for so much currency as will satisfy all demands for payment, and enable the whole buying and selling community to make all their daily exchanges of all the products of labor, land, and capital throughout the whole country.

The Bank of the United States has been such an institution. It has enabled Congress so to regulate the value of "money" in the United States, as that such money has been as a basis of the currency of one uniform value in all parts of the country; and the issues of bills in that bank, and all its branches, have been so regulated, and that regulation has so controlled the issues of bills, in all other banks, in all the States, that neither the abundance nor scarcity of the currency has, at any time, materially affected the market value of that currency: that currency has been of equal value, at different times, and in distant places; and the value, the commercial level of our circulating medium, has been very nearly on a level with that of the great commercial world.

The revenue of the nation has been collected and disbursed in all parts of the country; and this has been done, not only without loss to the public, but in a currency so uniform in value both in different places and at different times in the fiscal year, that every two men who have paid or received each an equal number of dollars and cents, have each paid or received an amount of money precisely equal in value. The cost and risk of transporting gold and silver from a place where they are not wanted to a place where they are wanted, is, in the commercial world, denominated exchange. This exchange has been, beyond all expectation, in amount, reduced by the operations of this bank and its branches. If a man, in Providence, wished to place ten thousand dollars, in silver coin, in the hands of his correspondent in New Orleans, he must, thirty years ago, have put it on shipboard, and paid freight, insurance, and charges for the transportation of it from one of these cities to the other. At this time, he merely delivers his ten thousand silver dollars to the cashier of the branch bank in Providence, and receives the draft of the President on the branch bank of New Orleans, in favor of his correspondent, and remits it to him to be paid in dollars in that city. For this accommodation, the cost is probably less than the insurance would have been, had he shipped the silver money, and sent it thither by water transportation.

Such are the arrangements of the bank and its branches, so perfect is their system, and so exactly can the officers of the institution, from their knowledge of all the business of the country, ascertain where gold and silver will be wanted, when and in what quantities it will be wanted, that not a dollar is ever transported uselessly from once place to another. Much transportation is saved, and what must be done, at the smallest possible cost. Gold and silver, under their operations, seem to have obtained a kind of commercial ubiquity, and orders for transmitting, from man to man, immense amounts of value, are sent by the mail from city to city, without the risk of robbery. The wisdom of these provisions has superseded all the cunning of human transgression; and he who now plunders the mail will earn for himself the peril and the infamy of the crime, but no booty other than a few scraps of paper, useless to all men except their lawful owner.

Nor are the operations of this great branch of our national system of encouragement and protection confined to the currency and exchanges of our own country. Our

trade with foreign nations often leaves us with a balance due from us to them. This balance has been often discharged without sending abroad our money, the basis of our currency; sometimes with the stocks of this bank, and, to some extent, with the bills of it. For the bills of this bank are current at Liverpool and in London.

One of the evils of a system of currency, not gold and silver, but based on money coined from those metals, is the liability under which the commerce of our country places this money to be exported, as merchandise, to Eastern Asia, and thereby to derange the value of the currency, and greatly injure all the productive labor and capital of the nation. This bank has begun to correct that evil. Its bills are beginning to be current in Calcutta and Canton, and to aid in the purchase of return cargoes of East India and Chinese merchandise.

In time, if this bank shall be sustained by a renewal of its charter, large bills of it will be current throughout Europe and Asia. Moslem pilgrims, travelling in caravans from Delhi to Mecca, Suez, and Cairo; and Chinese merchants, journeying in like manner from Peking to Astracan and Moscow, would carry these large bills rather than gold, silver, or precious stones, to buy the rich commodities of the West. The roving Bedouin or Tartar might encounter these caravans, and might seize their diamonds, or their precious metals; but they would regard these silken securities for money as so many transcripts from sacred books; and the name of Biddle, as of some holy man, would thus preserve the laborious merchant and the pious pilgrim from peril and plunder.

Our great system of encouragement for domestic labor, and of protection for that labor against all injurious foreign competition, would have been incomplete and imperfect, had it not contained ample provisions for the defence of the United States against the arms, the military and naval force and power of foreign nations. Such provisions for defence have, therefore, been made a part of the system. Look a moment at those provisions, and you will perceive that the great founders of our system have so united the common defence with the general welfare, that no crude and improvident legislation can destroy the one, without overthrowing the other.

What has been done, and is now doing, for that defence? Fortifications have either been built, or are now in progress, at all the great assailable points on our maritime frontier. These are to be kept and defended, not by a standing army, more perilous, in times of peace, to liberty, than all the wars of the world. A few soldiers stationed at each of these fortresses will keep them in repair, and place and preserve all their military armaments in a good working condition, and ready to be put in operation by the national militia, whenever any foreign Power may choose to make any hostile demonstration on our shores. Where will that militia be found? Not here and there, scattered over a wide country, as would have been the case had not our system of encouragement and protection been established; but collected into cities, towns, villages, hamlets, at harbors, and waterfalls, as they now are, by the operation of that system on manufactures, on the fisheries, on navigation, on commerce among the States, on commerce with foreign nations, and on that agriculture which crowds around the neighborhoods of such communities of men, to feed them, and thus to aid and participate in their prosperity. Your system of encouragement and protection, in its natural operation, brings together a dense population over all your maritime frontier. Rhode Island, not more fertile than other parts of New England, can, like Flanders, sustain five hundred persons on each square mile; and, ultimately, furnish an armed militia, forming such a phalanx of defence on every foot of her shore, as no foreign army can ever break through and reach the land with one man of them alive.

This defence, provided under this system, will not be found in a condition like that of your armies in the last war, dependent, as they were, on your enemy for their blankets, the only covering which separated their unsheltered limbs from the stormy face of the winter skies.

Sir, your own domestic market, furnished under our system of encouraged and protected labor, can lack nothing needful for the use of the soldier. His subsistence, clothing, camp equipage, munitions of war, will, at all times, be found, and found in great abundance, in that market.

Should any part of your coast be so assailed that the militia in the immediate vicinity would not be sufficiently numerous to make efficient and successful defence, that case has been considered, and provision made for remedy of the evil, in that behalf. The regulation of commerce among the several States, placed in the power of Congress by the constitution, has induced the commencement of such a system of internal improvement, in aid of that commerce, as will ultimately unite, by roads, railways, canals, and rivers, all the great and populous parts of the interior with the maritime frontier of our country. On these great thoroughfares of travel and transportation, the armed and provided militia can, in thousands and hundreds of thousands, be poured down from the interior, upon any point of the seacoast which may have been assailed by a force too powerful for the local militia of that neighborhood.

Sir, the other part of our national defence, the navy, is, if possible, still more the progeny of our great system of encouragement and protection; and, for its existence and support, more intimately connected with that system. It was built by the encouraged and protected mechanical labor of our country. It is manned from our encouraged and protected navigation; from our encouraged fisheries; our encouraged coasting trade; our encouraged foreign commerce. This navy is supplied with arms, with munitions of war, with clothing, from our own encouraged and protected manufacturers.

In war especially must it be fed and subsisted from encouraged and protected American agriculture. Examine every point of defence made by a naval station along your coast. At Pensacola, your navy must draw its supplies of subsistence through the canals cut into the rivers which unite that station with the great fertile and exhaustless valley of the West. At Norfolk, in the wars of future times, the navy at that station would look for supplies not only up the long rivers of Virginia, but also along the quiet and level waters of that canal which is now working a resistless course from this city, through rocks and mountains, until, lock after lock, this stupendous engine of human power shall have ascended the Alleghanies, and, in like manner, marched down, on the other side, to a level with the Ohio.

Is your navy stationed in the Chesapeake or Delaware, still must it draw most of its subsistence from the distant interior, over the railroads, or through the canals, built up under the impulse given to private adventure by our great system of internal improvement.

New York is united to the valley of the Mississippi by her own canals, and by that of Ohio; and the subsistence of your navy at that station would come not only coastwise, from the South, through canals, but also in abundance from the great interior of the West and the North.

It may never be a part of our politics to make Narragansett bay a naval station in time of peace. No matter for this oversight: for when war shall press on our coasts, that bay, Newport harbor, will be the great starting and returning point of all your fleets. That bay is now united to the very centre of New England, by a canal leading from Providence to Worcester. A railroad is at this time in progress from Boston to the head of this canal; and projections have been made to unite this point with

the waters of Lake Champlain, or of the Hudson; and time only is wanted, to mature one or the other of these schemes; when Providence, Boston, and Portsmouth, all New England, will be united, by canal or railroad transportation, with the great valley of the West; and aided by our perfected system of internal improvement, your navy, at either of these stations, may be abundantly provisioned and fed from the banks of the Hudson, the Ohio, and the Mississippi.

Thus, sir, it is seen that the defence of our country against hostile aggression is a part of our great system of that encouragement and protection which has been extended to every department of national industry. You cannot destroy the one, and preserve the other. You cannot hew down the whole tree, and hope that any one of its branches can be preserved, and kept in a flourishing condition.

Sir, the regulations concerning the disposition of the public domain are a part of the same great system of national policy. The encouragement and protection given by that system to your mechanic arts, manufactures, navigation, fisheries, commerce with foreign nations, commerce among the several States, and with the aboriginal nations and tribes, have held out to the agriculture of these United States such bountiful encouragement as that of no other country ever received from any system of Government. This encouragement has created and sustained a regular and increasing demand for fresh lands to be annually brought into cultivation.

The right of pre-emption claimed by the British crown, to the exclusion of all other nations, was, in respect to all the lands within those territorial limits of the United States, established by the peace of 1783, conquered by the United Colonies from that crown, by the revolutionary war. The conflicting claims of the several States to these lands were finally ceded to the United States, in trust for the benefit of each State; and the right of pre-emption, against all nations, all the several States, and all individuals, was, by many treaties with the Indian nations, acknowledged and established. As these tribes diminished in numbers, or as time and other events brought them to the habits of agriculture, manufactures, trade, and civilization, their title to lands grown useless to them has been, by treaties, gradually extinguished. Surveys of such lands have been made; and a great land market opened in the United States presented to the eyes of nations a spectacle never seen by them until exhibited here, in this part of the new world. Demand and supply have been considered in this as in other markets; and the one has been so adjusted to the other, that speculation, though not excluded, has never been able to control this market.

Under this system, territories have been formed; extensive regions peopled; and great, flourishing, and populous States brought into existence, and admitted into this Union. A revenue of two or three millions derived from this source has hitherto been appropriated to the payment of the national debt. When that debt is discharged, this revenue belongs, of right, to the several States, and must, under our great system of policy, be distributed to each of them. This it is now proposed to do, that each State may hereafter receive and retain its dividend for the great national purposes of education. Thus, in every State, the means of instruction shall be brought into every family; every child, hereafter born in the United States, no matter how poor and lowly, may be taught not only letters and ordinary science, but also all those great truths which secure the blessings of this, and the hopes of another life.

When our great system was commenced, the nation was burdened with a heavy debt; the cost of the revolutionary war—the price of our national independence. Since that time, the expenditure of another war has been added to this great national burden. Under the operations of our system of encouragement and protection, the people have not only prospered and grown wealthy, but they have, while in this progress of prosperity, paid off to their creditors 390,000,000 dollars; and taken up and cancelled outstanding demands against them, to that amount. This payment has been made, not principally to foreigners, as was so incorrectly stated by the chairman of the Committee of Ways and Means, [Mr. VERPLANCK.]

This debt, when outstanding, was in stocks, owned, much of it, by corporations; some for banking, some for insurance, some for religious, some for literary and scientific purposes. Much also of these stocks had been owned by individuals. Some of them had died, and their stocks had been shared among their widows and orphans. Many such owners had, by misfortunes, failed in business, and their stocks had been distributed among their creditors, some rich, some of humble fortune. So it has come to pass, that the burden of taxation has been lightened by the division and distribution of payment. Payment has carried relief and comfort into hundreds and thousands of households; gladness into millions of bosoms; and literally caused "the widow's heart to sing for joy."

Thus, sir, has Congress, for about forty-four years, exercised the power given by the constitution, "to promote the general welfare," by a system of burdens imposed on the labors of the people, for the support of Government; and a system of benefits, done for them in return, by the labors of legislation. This was the great system, begun on the 4th of July, 1789, and brought down to the commencement of the last four years by various enactments, all devised and put in operation to finish and perfect that system.

What is the new system, already begun, and to be nearly completed by the measure now under consideration? Government is hereafter to be a scheme of burdens, without any corresponding benefits to the people. We are to raise money by impost, to support Government, that is, to pay ourselves; but we will not enact any commercial regulation "to promote the general welfare." We retain the power taken from the States by the people, and given to Congress; but we send the people back to the States for that encouragement and protection of their labor which we know the States have no power to give.

Is not this bill a mere scheme of taxation? It provides for the wants of Government, but makes no provision for the wants of the people. Without inquiry, without knowledge of the amount of means in the hands of any man, or the amount of payment to be made by any man or any State in this Union, we sit here, and, without any examination or survey of property first had, we are about to enact a great doomsday volume of taxation, which shall, in its exactions, visit every free laboring man in the nation, in his food, in his clothing, in his habitation, and in the instruments of his labor. Nor is this all. Not only it visits his labor with a blighting curse, withers and consumes its productive energies, but also places him on the degraded level, and in competition with the paupers of Europe, and the slaves of South Carolina.

Sir, you dare not enact and pass this bill into a law. Never did the fathers of those freemen, even in their struggle for independence, permit a slave to lift his hand in aid of their battle, until he had first been purified and consecrated to the holy service by the sacrament of emancipation. We shall never degrade the blood of our fathers.

Is the product made by South Carolina slavery reduced in price? Let the master diminish the task of the slave. Spare the lash. Reduce the quantity of cotton, pushed to surplusage on the consumption of the world. Give labor now and then a holiday. Send a less quantity to market; and bring home as much or more money for it.

Employ the slave in some other vocation, if not of profit, it may be of ornament, and adorn your country. Labor for something which cannot be swallowed. Raise monuments, or after generations may never know that you have existed. Let the little tyrants of these days, like some of the greater ones of ancient times, build pyramids of bricks, and no longer toil to scale the highest heavens on bales of cotton.

Sir, disguise this question as you will, it is, after all, a crusade against free white labor; first preached on this floor and elsewhere, and now put in the form of war by the owners of slaves. It is the maker of cotton against the grower of wool, the mere tiller of the ground against the keeper of sheep; and because the first brother of our race did, in such a strife, succeed in committing the oldest fratricide on record, the movers of this controversy seem satisfied to earn a like malediction, if they can but succeed in performing a kindred achievement.

Sir, I repeat it, this controversy is a war against the free white labor of this country: a war levied by the owners of slaves. How often have you been told on this floor, first in the voice of complaint, but now in the tones of insolent menace, that the free laborers of the North could earn fifty cents a day, while the slaves of South Carolina could not earn more than twelve and a half cents? How often has the same voice told us that manufacturing capital, used by this free labor, cleared a profit of twenty per cent. per annum; while slaves and land, the cotton-raising capital of the South, would not, in any year, come up to six? This base, inglorious question is now agitating our country. We are told that our great system of national policy encourages the labors of the free, and renders capital in their hands highly profitable; but the same system discourages the labor of slaves, and renders them, and the capital employed with them, in growing cotton, rice, and tobacco, not profitless, but merely less profitable to the owners. These men aver that the same system of laws is encouragement to the free, but discouragement to the slave labor of the country; and that all the great interests of all the free labor in the United States must be, nay, shall be, sacrificed; not to preserve, but to render more profitable, the capital vested in Southern slaves. Dare these men place such an issue before the country, in all its naked, base, and odious deformity? Dare they tell the world of christian nations the true state of this question? Would not those nations who have universally excluded slavery from their civil policy, would they not hear with a shout of indignation, that one of these States had taken up arms against the Union, and had sworn to destroy that Union, for the glorious purpose of rendering their negro slaves more valuable, by rendering the labor of those slaves more profitable? They have not dared to do it. They have put a mask on this base-born controversy of avarice. Under this mask, this Shylock question of interest, of mere money, of so many dollars and cents, has been changed in appearance; and is now, to the deceived eye of the nation, a question of State rights—State sovereignty—freedom—chivalry—nullification. Egregious masquerade of valor and patriotism! Brave cavalier—for how much money—for how many pounds of flesh—will you sell all these painted, pasteboard glories? For the base and grovelling provisions of this bill; for their negro cloths at five per cent.; their own coats at twenty; and cottons, calico or plain, both for themselves and slaves, at the same rate of impost.

Does not this strip the question of all its paintings? Yes, sir; they plainly tell us that the great cotton and tobacco interest of Southern slavery cannot thrive, unless the greater interest of Northern freedom in manufactures and agriculture shall be destroyed. Are these two interests indeed hostile to each other? and cannot the same system of laws give to each of them the same encouragement and protection now, which was so liberally bestowed on both by those laws in 1816? No one ever dreamed of this hostility of interests, until within the last eight years. Until then, our great system, established to promote the general welfare, did equally advance the individual and particular interests of all. If, then, by some strange perversity of purpose, or of accident, any particular interest have, since that time, sprung up in our country, hostile in its nature to the general welfare, can the owners of that interest call upon the nation to cherish and cultivate this their deleterious plant; and, to promote its growth, demand that every other interest, which has hitherto flourished in our land, shall be extirpated and destroyed? Who would pluck up fields of wheat, that he might thereby encourage a more vigorous growth of hemlock? Does not the less always give way to the more useful plant? Let, then, these politicians beware how they undertake to prove to the American people that their production of cotton, rice, and tobacco, by the labor of slaves, is hostile to that general welfare which has been for more than forty years established and promoted by our great system of encouragement and protection. Admit that it were so. Do the owners of slaves believe that the system of encouragement and protection is to be abolished, and more than seven hundred thousand free white people now employed in mechanic and manufacturing labor, and more than nine hundred thousand employed in agricultural labor, are to be thrown out of employment, and reduced to poverty, merely to render slave labor, employed in growing cotton, rice, and tobacco, somewhat more profitable? Sir, you may as soon "tear this steadfast earth from her axis;" roll the moon into our orbit; and compel this globe to spin round that, as a mere satellite. What number of men, citizens of this our country, are concerned, and rely for revenue and wealth on this growing of cotton, rice, and tobacco, for the market of this and foreign countries?

In this production, the planters own and work, on an average, not less than seventy-five slaves each. These produce from two to six bales of cotton, each of three hundred and fifty pounds weight; and four such bales will be estimated as a very low annual average product of one slave. In 1830, 732,840 bales were exported; 221,430 sold in the domestic market. This quantity, at four bales each, would require 268,542 slaves. Rice and tobacco make about one-fifth part of the whole cotton, rice, and tobacco production. One-fourth part of the number of slaves employed on cotton will be employed in these. This makes their number 67,135; and added to the number engaged in the cotton production, the total number is 335,727, employed in growing cotton, rice, and tobacco. If the average number owned by each planter be not less than seventy-five, then the whole number is owned and employed by 4,476 planters. Some planters own several hundred, and some much less than seventy-five: but it will be found that the whole cotton, rice, and tobacco interest is owned by less than five thousand men.

This number of planters have placed themselves before the whole nation, some part of them in the attitude of utter defiance, and demand the entire abolition of the great national system of encouragement and protection. Here are five thousand men, backed by three hundred thousand slaves, now threatening destruction to a great system of national policy, which gives labor to more than sixteen hundred thousand free white people; and puts into use, in productive employment, six hundred and eighty millions of capital, owned by more than five hundred thousand men, engaged in the agricultural, mechanic, and manufacturing production of the country; and supporting their own families of not less than 2,000,000 people, by the profits of this capital, and the savings made by their own care and labor in these vocations. Will it come to pass

that more than two millions of men, owners or workers of six or seven hundred millions of capital, feeding, clothing, sheltering, or educating more than eight millions of people, shall be utterly ruined, their capital in a great measure destroyed, their labor turned over to foreigners, their bread snatched from their mouths, their clothes rent from their bodies, the shelter pulled down over their heads; and all this done by less than five thousand owners of slaves, who threaten to destroy the Union, unless this whole free working white population will agree to be destroyed themselves for its preservation?

What cause do these owners of slaves allege for all this hostility against the free labor of the country? They contend that the great system of encouragement and protection, under which this free labor and the capital used by it have prospered, does render their capital of land and slaves, employed in growing cotton, rice, and tobacco, less profitable than the capital employed by free labor, and much less profitable than it would be if that system were destroyed. Let us examine these allegations.

We have seen that mechanic and manufacturing labor, together with labor employed in raising wool, use a capital, annually, of the value of $312,453,848, and that this labor returns to the owners of this capital a profit, annually, of $23,428,520. It has also been shown that Northern agriculture, in supplying this manufacturing labor, and realizing a profit of $27,000,000, does actually use more than $366,000,000, as a capital for that purpose. Now, what amount of capital do these owners of slaves employ in the production of cotton, rice, and tobacco? and for what amount do they sell their whole production?

It has been seen that the number of slaves, employed on these products, is 335,727. Fifteen years ago, these slaves were not worth more than $200; most certainly not over $250 each. The system of encouragement and protection which, in its progress, has been felt in every part of our country, has enhanced the value of slaves not less than from 20 to 50 per cent. This whole number may now be reckoned at $300 each, and amounts in value to $100,718,100. Each slave can easily cultivate, in cotton, ten acres of land. This will much more than raise four bales, of 350 pounds each; but let it be allowed as the needful quantity. At ten dollars per acre, when cleared and enclosed, the whole quantity will be 3,357,270 acres, and the value equal to $33,572,700. Add to this amount five dollars for each slave, annually, for instruments of labor, or a sum equal to $1,678,635; and ten dollars each, for yearly clothing, equal to $3,357,270.

These several sums are, - - -	$38,618,605
To this add the value of 335,727 slaves, at $300 each, - - - - -	100,718,100
And the total amount is, - - -	$139,336,705

Nothing is added in this calculation for the food of these slaves, because it is well known that, over and above the cultivation of so much cotton as, by this estimate, is set down as the production of each slave, he cultivates five or six times as much corn as serves to furnish his food.

Here, then, is a capital in lands, instruments of agriculture, and slaves, of one hundred and thirty-nine millions, and one-third employed in producing the great Southern staples, cotton, rice, and tobacco. What do the owners of that capital annually realize, in money, from the production of this capital? Here we have no difficulty in finding the answer. It may be almost entirely found on the records of the treasury. Take the year 1830.

That year, the value of exported rice was, - - - - - - - -	$1,986,824
Tobacco, - - - - - - -	5,586,365
Cotton, - - - - - - -	29,574,883
Total exported, - - - -	$37,248,072
Amount of cotton sold to the American manufacturers, - - - - - -	7,752,000
Rice and tobacco, not less than - -	2,999,928
Total amount of cotton, rice, and tobacco, in 1830, - - - - - - - -	$48,000,000

Here, sir, is the great efficient capital of the slave owner, in amount $139,336,705, and here, too, is the annual income of it, $48,000,000. What is the capital employed by free white labor, in mechanics, manufactures, and agriculture? $678,453,848. And what is the annual profit on that amount of capital? $50,428,520. The profit on capital in land and slaves is 34.5 per cent. per annum, while that of capital used by free labor is, per annum, but seven per cent. and a small fraction. If any thing can satisfy the owner of slaves, such a rate of profit must fill up and satisfy the utmost wants of the most greedy avarice. Thirty-four per cent. on capital! And that, too, secured by a monopoly of climate which does not suffer its production to grow beyond its own limit. Yes, and by a monopoly of labor, also, of which the laws of the free States do not permit the use.

Do you say that more slaves and more land are required to make this amount of production in cotton, rice, and tobacco? Then, if you please, double the number of slaves, and double the quantity of land; say one man can grow but two bales of cotton, and that each bale will require five acres of land for its production. What then? You will still have a profit of 17¼ per cent. on your capital. Nay, do you still say it will require more labor and more land? Then double them both again; and take 1,100 working men, if you have so many in the whole cotton region, and take 11,000,000 acres of land to raise your crop; let each slave make but one bale, and let that be grown on ten acres of land; and even then, on such a weight of capital, you will realize 8 5-8 per cent. per annum. Do you tell me your lands will wear out? Not, sir, if you are skilful husbandmen. Will your labor grow old and become useless? There is in that labor a restoring principle, and it reproduces itself more than once in the course of its existence? Do you tell me that the other part of your slave capital is less productive? Sir, does it not feed and cloth itself? Yes, and also doubles its own value once in twenty-five years. This gives four per cent. per annum; and the whole capital of the world does not equal that rate of profit.

It is, therefore, demonstrated, that capital in lands and slaves, employed in the production of cotton, rice, and tobacco, in the South, is more, very much more, profitable, than capital employed by free labor in the agriculture or manufactures of the North.

This, sir, is the condition of capital in the North and in the South, under the provisions and operations of our great system of encouragement and protection. Not only has the value of the slave portion of it been increased from 20 to 50 per cent. during the last 15 years, but, even at the present high valuation of both slaves and lands, their united profits are more than 34 per cent. a year. Will this capital be more profitable if that system shall be destroyed? Can the ruin of seventeen parts of the country promote the welfare of the other seven? What man of wisdom, what statesman, of this or any other nation, will undertake to prove, that, if seven hundred millions of Northern capital were ruined, or thrown out of use, and one million and a half of free working men in our country were, with all their skill and all their machinery, excluded from employment, left without the power to produce, or the means to consume, the fruits of the earth, or the fabrics of labor; who, I say, in his senses, would attempt to prove that such an overthrow of the wealth, and strength, and prosperity of the free States in this Union, would enable four or five thousand owners of slaves to grow cotton,

rice, and tobacco, in the South, with a greater amount of annual profit?

If such a catastrophe in the North would produce such effects in the South; if the repeal of our system, and the ruin of capital and labor in the free States, would enhance the value, and multiply the profits of slaves in the other States; yet who, that speaks in the accent of a christian, or stands on the feet, or moves with the gait of a christian, pagan, or man, would call for such a repeal, and effect such a ruin, that he might obtain such a profit? The very idea of the proposition is a horror; an outrage on reason, on morals, on liberty, on the constitution itself; and whenever the great common welfare of all the free people of the United States shall be sacrificed, or even endangered, to render slaves more profitable to their owners, our constitution will be blotted out, our Union extinguished; and a people, now the guardians of the world's freedom, shall then be made the miserable panders of profit to the insatiable avarice of a base and vulgar despotism.

Sir, the advocates of this measure, what do they propose to do? They intend to establish their new system of policy on the overthrow and ruins of the old. They demand the utter abandonment of all encouragement and protection, not in one or two, but in all and every department of industry. This bill is the commencement of the war, and is levelled, almost exclusively, at cottons, and at wool and woollens. It may be more easy to destroy manufactures in detail, one or two branches at a time; in this it is thought the friends of one will not come in to aid those of another. Accordingly, under this bill, iron and steel are left in a very well protected condition. Other manufactures are not touched at all by the provisions of this measure. Shoes, boots, cabinet ware, glass, hats, carriages, saddlery, leather, jewellery, and plated ware, are all perfectly protected, by a duty of thirty per cent.; and this protection excludes, in these trades, all foreign competition from our markets. Let not those concerned in them fancy themselves secure. Cottons and woollens do not peculiarly excite hostility in the owners of slaves. It is protection itself at which their blow is aimed; and when they shall have repealed the law which protects cotton and woollens from the conflict with foreign capital and labor, and ruined those two great manufacturing interests, they will demand a repeal of other laws, which protect other departments of industry; and if, terrified by their array of hostility, we now surrender to their menaces, you will see, one by one, all your mechanic trades, all your various manufactures, stripped of protection, and left to be destroyed by a competition with the exhaustless capital and labor of foreign nations.

Nor will this anti-protection hostility stop at the overthrow of your mechanical labor and manufacturing industry. Are not other labors of the free States protected? Your fisheries will, when you have yielded up your manufactories to appease the South—your fisheries will be made to feel the vengeance of these lords over three hundred thousand slaves. Do not tell me that these fisheries are the great nursery of seamen; these seamen are free men, are white men, are protected men, and each one of these attributes of a Northern manhood is odious in the eye of him who owns, and drives, and works the slave. So long as protection exists, under any law, the planter will make war on that protection, and never be satisfied until he has destroyed it, and ruined those who are sheltered by its provisions. It was, I believe, at the last session of the last Congress, or at the first session of this, that a resolution was placed on your table, requiring some committee to report a bill to repeal the laws making allowances to the owners of vessels employed, and to the men employing them, in the fisheries. Do you think that scheme was abandoned? It was proposed by the head of nullification in this House, if it may be correct philosophy to affirm that such a thing as nullification can have a head. That gentleman will never give up his project, unless he should be made to believe that the repeal of those laws would benefit the free labor of the North.

The shipbuilding trade of the United States is protected by laws which exclude all foreign built vessels from your market. Will this law be suffered to remain unrepealed in your code of navigation? No, sir, the same siroc of the South, which has blighted other branches of Northern labor, will also wither and destroy this.

The laws of protection now secure to American navigation the trade among the several States; and all foreign vessels are excluded from your canals, rivers, bays, and from coasting your shores from port to port. What shall preserve these laws from the fate prepared for other parts of your system of protection? The same spirit which has arrayed South Carolina against the Union, and which now calls on us to pass this bill, and with a cowardly soul surrender the great interests of the nation, to satisfy that rebellious spirit; that spirit will, in a few years, demand the repeal of those laws which protect our coasting and internal navigation. Vessels of every navigating nation will be invited to scour your shores, from port to port; and to swarm up your bays and rivers, from the ocean to the very heart of your country. You will see, on your wharves, and far up in the interior, not the honest, brave, and frank-hearted American seaman; but sailors of every region, of every garb, every tongue, and every vice, in the whole catalogue of human profligacy.

Why should not this chivalrous spirit of free trade, which invites the world to work against our labors on the land; why should it not challenge that world to come into free competition with our vessels, and our mariners on the waters? England, we are daily told, can work cheaper than America; and why should not our commerce among the several States have the benefit of their competition, and be moved from place to place by those who can afford to carry it at the smallest cost? Doubt not, nay, sir, you cannot doubt, that these all potent masters of slaves will, when they have beaten down one barrier of protection, never cease the strife until all are demolished.

Your foreign navigation and commerce are among the great protected interests of the nation. Will that protection, do you believe, be preserved, when all others are abandoned? The laws which give the American character to our ships and their cargoes, and secure a preference in carrying the merchandise of the world to those ships, will follow, in the progress of repeal, those laws which now protect your manufactures; and that voice at which the negro slavery of the South trembles throughout a thousand plantations, will, when at the call you have torn the spindle from its place, and thrown the loom out of gear, command you, and you will obey, and haul down the sail.

Sir, what is your navigation or your foreign commerce to the seven anti-protection States of Virginia, North Carolina, Tennessee, Mississippi, Alabama, Georgia, and South Carolina? They have turned all their navigation to the more profitable trade of growing cotton, rice, and tobacco. They do not export or import in their own vessels; nor send abroad to foreign countries, or bring back from those countries, in any fiscal year, more in amount than $2,500,000. The great staples of their agriculture are sold to American merchants, and help to make up the mass of our foreign commerce which is sent out and brought home in American ships. Do you believe they prefer these American merchants and these navigators? No, sir; it is the law, the system of American protection, which brings this Southern production on board American ships, and makes it a part of American commerce. These planters will not longer endure that their cotton shall be spun by American spindles, or woven in American looms; and do you believe that when they have relieved themselves from these evils, they will not seek and

obtain relief from the evils of selling their cotton to American merchants, or having it carried to market in American ships? No, sir, the destroying demon of free trade will visit your ships when he shall have demolished your factories. If the English can spin and weave your cotton so much cheaper than the Americans, are they not able also to carry that cotton to market at a much cheaper rate?

Sir, the great protected and protecting part of your system is the navy. Will that escape the blow aimed at the whole system? It has cost you not less than $108,000,000, and it now costs three or four millions annually. It protects your navigation and commerce, passing and returning from the ports of our own to the most distant harbors of every other country. What then? Do the owners of slaves, the planters of cotton, rice, and tobacco, intend much longer to need this protection? When, by the course of free trade, their production shall become a part of English commerce; when the transportation of that commerce shall give employment to English navigation; what use, I pray you, will the plantation States have for that protection which is now given by the American navy? The stars and stripes may be hoisted over the beef and bread of Ohio and Pennsylvania, or over the boards and shingles of New England, should any of these be wanted by foreign nations; but over the cotton, rice, and tobacco, of the independent South, when sent to Liverpool or London, you shall see "St. George's banner, broad and gay." Why should the United States be at the immense cost of sustaining a navy, and spreading a flag of their own, on the ocean, merely to protect their navigation and commerce while moving on that highway of nations, when British ships and the British flag can and will give this protection, either for nothing at all, or at a much cheaper rate than it can be done by the American navy?

Sir, the hand which wields the lash of Southern slavery will first scourge free white laborers from your factories and workshops; then destroy your fisheries; after that, waste and scatter your navigation; and finally pull down the American flag, and give up every ship in the navy.

Internal improvement was a part of your system for the encouragement and protection of commerce among the several States. Had that been carried out and perfected, what a relief to the cost of that commerce, by perfecting the great medium of transportation throughout the country! What a cord of union would have been wrought by the extent and frequency of mutual intercourse among all the people of all the several States! That part of the system has been lopped off by the slaveholding influence of the anti-protection States; and perhaps we shall never see the common treasury of the nation again open to encourage our domestic commerce by giving aid to that spirit of enterprise which would improve the condition of our common country, by roads, rivers, canals, and railways.

To extend the benefits of our great system to the Indian tribes, was the purpose of those intercourse laws of protection, which, by encouraging among them agriculture, mechanic arts, manufactures, and commerce, carried to these people science, letters, christianity, and civilization. What has demolished this glorious part of your system, and pushed these tribes beyond the great river, and beyond the limits of civilization, so that they may again be lured back to barbarism by the herds of buffalo, and the joys of the hunter's life, prepared for them on the prairies of the West? To the intent, no doubt, that they may once more be provoked to war by the savage tribes of that region, so that mutual strife and mutual slaughter may finally consume these remnants of those "once mighty nations of this continent." What has effected all this, this destroying of the old, and introducing this new and inglorious scheme of policy, so traitorous to the plighted faith with those nations, and so ruinous to their rights and their civilization? Sir, our treaties solemnly made, our laws deliberately and with universal consent enacted, our whole system of Indian protection, fell into conflict with the reserved rights, the transcendental sovereignty of a slave-owning State, the republic of Georgia; and that republic, by the exercise of that sovereignty, repealed your laws, abrogated your treaties, and demolished your whole system of Indian encouragement and protection.

Yes, sir, Georgia applied to that part of your system what South Carolina is now aiming at all other parts of it—nullification. You beheld the Indian rights perish, and dared not lift up your hand, or so much as whisper, at the lowest note of your voice, against the horrid outrage; and the Almighty, to punish you for your violated faith, seems to have delivered all your own great rights and interests into the hands of another spoiler, and to have taken from you the counsel and the courage now so needful for your own defence.

What a madness must have taken possession of men's minds, when, to ruin the interests of others, they, without consideration, peril their own! South Carolina, at war with protection, carries her hostility against it into every branch of modern industry; and, because agriculture is one of those interests, and Northern as well as Southern agriculture is protected, she would destroy the protection of her own, rather than leave it undestroyed in regard to the agriculture of the North.

By the repeal of all laws granting protection to manufactures in the North, the whole market for the agricultural products of the farming States will be destroyed. This will leave on the hands of farmers in the North, the South, and the West, their wheat, their corn, their flour, provisions. Still more will be lost to the farming community. Millions of money have been expended to improve our native race of sheep, by importing into the country the best Saxon and Spanish merino flocks. If protection be withdrawn from your woollen manufactories, their ruin is unavoidable, and the American market for wool must be thereby destroyed. These beautiful flocks are doomed to the slaughter; the blood of thousands of hecatombs of them must be poured out to satisfy that black-hearted avarice of the South which vainly dreams that, by destroying the flocks, the fields, the workshops, the labor of the free, more work can be scourged out of the slaves of their own region, or that the product of that work may be sold for more money.

To secure the repeal of every law giving protection, they, in their madness, would abolish that which has encouraged and now protects their own favorite production of cotton. Who does not remember, in 1789, when three cents a pound was placed as a duty on imported cotton, at the request of South Carolina, to encourage her to buy cotton seed, and begin the culture? Two years after, they exported one hundred and eighty-nine thousand three hundred and sixteen pounds of cotton. In 1816, this same South Carolina called for more encouragement of her favorite staple; and although she exported to England, that year, eighty-one million seven hundred and forty-seven thousand one hundred and sixteen pounds, and the rate of duty then excluded all foreign cotton from our market, yet she, for her own benefit, obtained a law excluding from the American market East India cotton, imported in the form of cloth. Thus encouraged and protected, the South did, in 1830, export to England two hundred and ninety-eight millions of pounds, and sell to domestic manufacturers nearly eighty millions of pounds more of cotton.

What next? Why, sir, since South Carolina has declared herself independent, and Georgia has conquered the Cherokees, these two States, in the full blossom of their chivalry, have not only declared Charleston a free port, but have announced, by this bill, that their cotton shall hereafter be a free commodity until it reaches Eng-

land, when they agree it may pay a tax for the benefit of the British treasury.

Sir, unless we save these wild, scheming politicians from themselves, they will ruin their own interest by their own mad policy. Can cotton be made free without injury to the production in the American market?

England now gets from the West Indies about	5,000,000 lbs.
From the East Indies	17,000,000
From Egypt,	6,000,000
From Brazil,	34,000,000
Total,	62,000,000

This amounts to almost as much as the United States exported in 1816. What shall hinder these regions from increasing their production as rapidly as the like production has been increased in the Southern States?

Cotton can be grown on a broad belt of region on both sides of the equator, up to perhaps thirty-eight degrees of latitude; but it is a mere annual plant without the tropics, and requires, in such parts of the globe, yearly planting. In Brazil, and the East Indies, it is a tree, and requires but little culture. The English have, within a few years, transmitted the best seeds to Hindostan; and the natives of that country, any one of whom can subsist a day on little more than a handful of rice, can work cheaper, and furnish this product, a perennial in their country, at a less cost than any other people. Brazil produces a species of cotton of a long, coarse staple, and as fit for cordage and sail cloth as hemp itself. If the impost be repealed, that cotton will be largely imported, and a new fabric to dress all our ships and vessels will be speedily wrought from it by our manufacturers. The jurisdiction of Egypt is now extended along the Levant through all Syria, and Ali Pacha, now the Sultan of that fruitful country, already knows the value, and will increase the amount of the cotton production in his own dominions. England has lately explored the course of the Niger to the ocean, and thus opened to her own commerce the rich and populous interior of Africa. Here is a country abounding in all tropical products, and especially in cotton.

A country west of our own is now in a course of settlement from all the free States. Texas is a part of Mexico, and, therefore, slavery will not be tolerated in that territory. It is, perhaps, the most fertile region on the earth, and is peculiarly adapted to the culture of cotton. In that region, one New England farmer (and many have migrated thither) will grow twelve bales of cotton in a summer. In fifteen years, the cotton production of the world will, as it has in the last fifteen, be increased more than threefold. What will be the price? At what can a Yankee of Texas, who raises with his own hand four thousand two hundred pounds a year, sell his cotton by the pound? At five cents, his crop will give him two hundred and ten dollars; at four, one hundred and sixty-six dollars; and at three, one hundred and twenty-six dollars. Sir, he will live and grow rich if he can sell his product at three cents a pound.

Let South Carolina have her will, and reduce all impost to fifteen per cent. ad valorem; the destruction of the sugar production of Louisiana, effected by this, will send into the cotton fields of that State seventy-five thousand laborers, and their annual production will not be less than six bales each on the rich lands of that State. This will annually throw into the market of the world one hundred and thirty-five millions of pounds of cotton.

The growers of cotton would do well to remember that their product has a rival, gradually gaining strength, and which must finally exclude a great proportion of the amount of cotton now used from the consumption of the world. It is not flax, nor hemp, nor wool, but it is the beautiful and durable filaments, drawn out and almost manufactured by the diligent little insect which seems to live for no other purpose than to feed and to work. Silk is increasing in every part of the country. Wherever the white mulberry, a most vigorous and hardy tree, can grow, there the silkworm may be fed, and made to work, and rendered productive. Men, women, and children, the old and the young, the feeble and the athletic, the rich and the poor--all may rear, and all are beginning to rear, either for profit or amusement, this beautiful production. In a few years, the raw material will be abundant in our country; and be assured that skill in the manufacture will keep pace with the raw production, and the fabric will, in time, be not more costly, if we regard its beauty or durability, than well-wrought cotton cloths. Sir, you well remember what we have all read, that silk cloth was, in the time of Augustus, equal in value, pound for pound, with the finest gold. The time, I am persuaded, will come, when, in our country, the ploughman will, as a matter of prudent economy, use silk cloth for his frock and trowsers.

Sir, the cotton of the South, if left unprotected, and exposed to so much other cotton competition, and when finally run against, in the market, by all the growers of silk, in every latitude and longitude of our whole country, must fall in price to less than the present amount of duty on the importation of it. No statesman, who regards the preservation of all the great interests of his country, would, at this time, remove the protection from cotton. Mountebanks in political economy, knights errant in free trade, and market politicians, may call for this repeal; and these men, who would suffer a little themselves, that they might be enabled to ruin others, may repeal protection on cotton, to obtain a repeal of it on wool, woollens, and on the manufacture of cotton and woollen cloths. The one would destroy the capital and free labor of the North; the other might injure, but could not ruin the wealthy owners and workers of Southern slaves. Shylock might lose his three thousand ducats, and still be rich as a Jew; but Antonio, when that Jew's knife had severed from his breast, and nearest to his heart, "the pound of flesh," would hardly have blood enough left to preserve his life.

Is the defence of our country, a part of our great system of protection, devised for security of the labor and capital of all the people? Then does this bill, anti-protection in its very principle, remove that defence. Destroy those interests, which have called the people together in cities, towns, villages, hamlets, near your waterfalls, bays, and harbors, and covered the agricultural districts, around them, with a dense population; and these people, like the oppressed Hebrews, while gathering straw, will be, in pursuit of labor and bread, scattered abroad, throughout all the land. Where will be your militia, once in the neighborhood of your fortifications, and ready to man them on the approach of the enemy? Gone, sir, dispersed; and, perhaps, on your other frontier, conflicting with the savages of the Western prairies. If your forts are defended, it must be by a standing army. At all events, the troops of your present military establishment must be recalled from those stations, in the South, where they have been located, to protect the master and his family from the insurrectionary spirit of his slaves.

To this protection, though hardly to be found in the constitution, the free people of the North have never objected. They have felt a deep and anxious interest in your safety. I know your Southern chivalry scoffs at all this, and holds our sympathy in utter derision. Be assured that I am not ignorant of the contempt you feel, and the scorn you express, when any New England man happens to speak of you, on this floor, in terms of fraternity. For myself, I claim brotherhood with no man; unless, by blood or affinity, I stand in that relation with him.

Be assured that I shall never affront any of your lofty feelings, by any expression of any relationship with any of you, other than that of citizenship and humanity. We are Americans, and we are men. There is no alienage between us. The freemen of the North, and I as one of them, claim it as a right, to desire the safety of all men. We will travel far, and labor hard, to achieve that safety for all the American people. If the safety of Southern planters cannot be secured without aid from the troops of the United States, that aid will not by us be refused for their protection.

It must, nevertheless, not be forgotten by them, that if we are at last to protect them, and their families, by armed force, they must not feel themselves at liberty to withdraw the protection of the laws from us and our labors. Under these conditions, the arm of our strength will always be near to you, and lifted up for your defence. Do not expect more from the working men of the North than can be performed by man. Dare you repeal the laws enacted for your protection? Will you break up the instruments of your labor and livelihood? Shall our free working men, with their wives and children, be turned, by you, into the world naked, and without shelter or food? Do you expect their sympathy will be alive to the cry of your distress, when their children cry to them for that bread which you have plucked from their mouths? When your wives and daughters fly from that servile brutality which has cloven down their husbands and brothers in their defence, can the shrieks of their agony reach the ear of those whom you have left out to the winter storms, in houseless nakedness and famine? The men whom you have maddened with the bitterness of that misery which you have heaped upon them, who, but for that, would die for your safety, will laugh when ruin visits your abodes; and shout, and clap their hands, when the whirlwind of retribution sweeps through your land.

Sir, can it be expected that the free people of the North will be annually taxed, to purchase a protection for you, when you will not permit a law, which costs you nothing, to remain unrepealed in your statute book; because that law gives protection to the labor and the instruments of industry, by which they feed and clothe themselves and families? How do you hope to be secured in the possession of that labor, which gives you wealth, and enjoyment, and political power? How but by the provisions of that constitution, which makes us a nation, and protects your interests, by the whole power of our national arms? In no other christian nation are such rights as you enjoy in this country, made a part of the national polity, and secured by the provisions of the constitution. The spirit of emancipation is abroad in the earth. What is now doing in England, the most free and powerful nation on earth? Ay, sir, in England, to which, as it is said, some States in the South already look for aid against our own country? What question, as a test of political orthodoxy, is now put to a candidate, before he can be elected to the House of Commons? Are you for universal emancipation? What a test! Who would have dreamed of it twenty years ago? And yet more than four hundred and fifty Englishmen have been elected to Parliament, under that solemn pledge. How long will West India colonial slavery continue to exist, under the legislation of such a Parliament? Let South Carolina, or any or all the slave-holding States of the South, separate from the other States in this Union, and take or not take shelter under the arm of any European nation, and how long do you believe that, or the other nations of that continent, would permit slavery to exist among their republican allies? Sir, it cannot be disguised, nor should it be left untold, in this great question, that the very existence of that labor, in the South, for a more profitable condition of which those States are now struggling to destroy all the free labor of this country, does in fact depend on the protecting power and arms of that free labor. Take from them the shelter of the power and arms of the American people, whose common welfare they are striving to destroy; leave them with their slaves to themselves, for security and protection, and how would their labor differ, in ten years, from that of the West Indies and Mexico?

Remember, sir, man lives not by the voluntary bestowments of man. One Being only, in the universe, gives all, and always, and receives nothing. Men live by mutual aids. Something for something is the great law of reciprocity and exchange, throughout the world. Those who expect to receive, must be ready to bestow. Do the South expect a protection of their labor from the North, then let them be ready to bestow what they cannot want, and not receive without utter ruin.

Sir, it has been seen that one branch of our great system of encouragement and protection, provided by our laws and policy for aiding the labor of our country, is the national coin and currency, sustained by the institution of the United States Bank. It does almost seem as if men imagined our country might be too prosperous, and that a wholesome adversity would relieve and refresh, and, perhaps, preserve the nation. Under the advisement of some such wild imagining, the coin and currency have, by refusing to recharter that bank, been given up to the power of the States. In place of one, we shall have twenty-four regulators of coin and currency in our country. What will they more resemble than so many wooden clocks, made in so many different shops, and carried to market by an equal number of tin pedlars? Each State will have its own system of making currency. How will it, as it is now, be kept at one great national level? There must be at least twenty-four different levels, in all the different States. Will there not be as many different rates of exchange between State and State? Money may be, and will be, at different rates of abundance or scarcity in one State, from what it may be in another. The great movements of the travel and commerce of our country must pass from one of these levels to another; and it will pass very much as boats are locked up and down through a canal, in some very uneven country. Every lock will be encumbered, not only with much delay, but also with a heavy toll of exchange.

Already enormous State institutions are forming. You will soon see these leviathans of factious wealth rolling, and wallowing, and spouting in oceans of paper; and that, too, quite as valuable, gallon for gallon, as the deep sea water blown out through the spiracles of their kindred monsters, when they come up to visit the sunshine on the surface of their own element.

How will this various currency affect your revenue? Will those who pay that revenue pay, in the same number of dollars, an equal exchangeable value? Not so. The currency may differ in value from six to ten per cent. between Boston and New Orleans; and men who pay, each of them, bonds, at these two places, of equal amount, and on the same day, may, in paying ten thousand dollars, pay sums differing, in value, from 600 to $1,000. Will it not be precisely so with those to whom this revenue is disbursed? Your public servants, men, all equally diligent and faithful in the service, shall, at different places, receive very different rates of compensation. These evils cannot and will not be endured; and the Government medium, the currency for paying the revenue, must be gold and silver coined into money. Will this remedy the evil? No. For gold and silver must rise and fall in value according to their abundance or scarcity; and so long as bank paper bills are convertible into dollars at the pleasure of their holders, so long will the abundance or scarcity of these bills affect the value of them, and of coined money, which is their basis. The evil has no remedy in the nature of things, except by the restoration of that

bank which this new policy is about to destroy, or by the establishment of another national institution on the same principles.

One other part of our great national system, as it relates to the public lands, is to be destroyed by that new policy, of which this bill forms so considerable a part. These lands are to be sold under a graduated price; or, if not so wasted, and lost to the nation, they are to be distributed and conveyed to the several States where they are located. By the first project, the total quantity of perhaps 200,000,000 acres of land is to be graduated at a price, first 125, second 100, third 75, fourth 50, and fifth 35 cents an acre. All which shall not be sold the first year at 125 cents, will be offered the second at 100; if not then sold, at 75, and so on till the fifth year, when all are to be struck off at 25 cents an acre. Does it require a prophet, or the son of a prophet, to inform us that we shall sell no lands during the first four years; and that, for the whole, we can never obtain more per acre than twenty-five cents? Thus, a fund now worth, at least, $225,000,000, will be sacrificed for $25,000,000.

The other proposition is still more unjust and ruinous. It disposes of all these lands to the States where they lie; and that for no consideration at all to be paid to the nation. This part of the policy, although but two months old, is already in its dotage. It proposes to give the whole estate to the youngest children, who helped to earn nothing of it. Shall our half; nay, shall all our goods be thus given, to be wasted in the meretricious prodigality of speculation? Sir, first or last, under either of these provisions of the new policy, all these lands will fall into the hands of sharpers in this trade; the speculators of this or other countries will obtain the control of this immense territory; and your great land market, now governed by wisdom and liberality, in favor of the genuine settlers from all parts of the country, will fall into the hands of a gigantic land company; and its movements will be governed by all the tyrannical principles of an overwhelming monopoly.

Sir, let us again return more immediately to that part of the new policy which is comprehended in the provisions of this measure. This bill has been called, and very justly called, the submission bill. It is, indeed, more; for we must give up all our great system of protection for free labor in our own country to the slave policy—the mere cotton-growing policy; and then adopt that policy in our intercourse with foreign nations. What is this policy? Your pure cotton-planter makes all for market. He sells all which he makes, and buys all which he consumes. Pass this bill, and, so far as it abandons protection, you adopt this cotton-growing policy. You abandon manufacturing labor, return to the mere culture of the soil; and you expect to sell the production of your agricultural labor to foreign nations, and to purchase from them your manufactured fabrics.

Sir, excessive importation has been the curse of our country. Not to mention many intervening years, let every man call to mind the ruin which covered our country, from these excessive importations, after the revolutionary war, and, in like manner, after the last war; and then you may conjecture, with sufficient certainty, what will come upon us, by the same cause, from the adoption of the policy of this bill.

If you cease to manufacture your own fabrics, and import them from foreign countries, you must pay for them; and in what products can this payment be made: in wheat, in corn, in flour? England and France buy no foreign breadstuffs unless famine press hard upon them, and compel the purchase. In that event, the fertile lands and abundant harvests of all Europe are nearer to their market, and will fill and crowd that market with abundance before we can arrive in their ports. Will you pay in fish, in oil, in bone, or provisions, or sugar? These are all prohibited in Europe, or excluded by prohibitory duties. Will you pay in cotton, rice, and tobacco? Why do you not pay the balance now against us in these products? Simply because those nations want no more of them; and, therefore, if you send out double, nay, ten times the amount in quantity, that augmented quantity will bring no greater amount of money. Your national debt will have been paid and cancelled, and you will have no stocks of that kind wherewith to pay. Your United States Bank stocks are going out of existence. You must, like all other honest men, pay your debts for your foreign importations in coin, and that money which is in your State banks, and is the great basis of your currency. Every silver dollar drawn from these vaults must withdraw four dollars from your currency in circulation, every million must withdraw four millions, and every ten millions must take out of circulation forty millions of your currency. Such a reduction of the quantity must bring on a scarcity of money, and thus diminish the money price of all our products. What effect will this have on your outstanding debts, contracted for the purchase of imported manufactures? You pay, in a currency worth from five to forty per cent. more, dollar for dollar, than it was when you made your purchase. Let those who shall aid in bringing such a state of things on our country not be unmindful that the betrayers and ruiners of nations never escape the wrath of man, nor the righteous displeasure of God.

Sir, this bill is brought before us as a mere revenue measure. Its enactment is required of us, not for any benefit to the people, but simply "to supply the wants of Government." The Ways and Means Committee tell us that they can dispense with the tariff of 1828 and of 1832, and give up all protective legislation. Just give us, say they, fifteen millions of dollars only: that is all.

In God's name, I say piously, and not profanely, no matter how little, if nothing is to be done by it for the people. Will not the people soon learn that Government is doing nothing for them? Will they not discover that their own magistrates, under their own laws, in their own State, can and do secure them in life, liberty, and property? And will they not, when this Government ceases to visit them with its benefits in the encouragement and protection of their labor, will they not learn that it is a Government of burdens, and not to be supported at the cost of continual taxation--and that merely to keep on foot the pride of national establishment, and the parade of congressional legislation, the power of judicial decision, and the array of Executive departments? Sir, permit me to repeat what I have said here five years ago: "Whenever this Government comes to live by mere taxation on the people, it will speedily expire, or cease to have any efficient existence. You may, for a while, or at times by extraordinary appliances, give to it seeming vitality, but it will not be wholesome and efficient animation, but merely a succession of convulsions and grimaces, such as a galvanic battery may give to the naked carcass of an executed felon."

A bill to supply the wants of Government! What are they? Fifteen millions will cover them. Let us, for a moment, examine this measure. Will it supply those wants? I think it may be demonstrated that this bill will not, if enacted, raise fifteen, or even twelve and a half millions. In determining this inquiry, we should first examine and ascertain the probable amount of importation, and then the rate of impost, according to this bill.

Our consumption of foreign commodities must be governed in its amount by our export of domestic production. What has that been from 1818 up to this time? Of domestic products, we exported, in round numbers--

In 1818,	- - - - - -	$73,000,000
1819,	- - - - - -	50,000,000
1820,	- - - - - -	51,000,000
1821,	- - - - - -	43,000,000

In 1822,	49,000,000
1823,	47,000,000
Average,	52,166,666
In 1824,	50,000,000
1825,	66,000,000
1826,	53,000,000
1827,	58,000,000
1828,	50,000,000
1829,	55,000,000
1830,	59,000,000
Average,	61,000,000
In 1831,	61,000,000
1832,	63,000,000
Average,	62,000,000
General average,	$58,333,333

By this export our consumption of foreign commodities must be, in some degree, governed; for whatever we may import, we must export it again, if we cannot furnish domestic production enough to pay for it. What has been the amount of our importation since 1821?

It was in that year,	62,000,000
In 1822,	83,000,000
1823,	77,000,000
1824,	80,000,000
1825,	96,000,000
1826,	84,000,000
Average,	80,333,333
In 1827,	79,000,000
1828,	88,000,000
1829,	74,000,000
1830,	70,000,000
1831,	103,000,000
1832,	100,000,000
Average,	89,000,000
General average,	$84,500,000

Of this amount of importation, more or less is annually exported, according as our domestic exports, with the profit on their sale in foreign countries, and the amount of freight, may enable us to use and consume foreign products. We generally send abroad one-fifth part of our importation; but, in 1831, nearly one-fourth was exported.

What is the average rate of duty by this bill? On sugar, from thirty to one hundred, in some cases two hundred per cent.; on hammered bar iron, thirty; rolled, eighty; on cast iron, fifty; and on hardware, thirty per cent. Capital will not be employed in excessive importation of these commodities when others are free, or encumbered by a light duty only. Cotton is free, and, doubtless, two millions will be employed in importing that product. Indigo, under a heavy duty, was imported last year to the amount of 900,000 dollars. If this bill go into operation, not less than that amount will be used in the importation of indigo. Cotton yarn is ten per cent. and coarse wool is free. At least 2,000,000 dollars will be employed in the importation of these commodities.

What, under all these circumstances, will be the average rate of duty under this bill, should it be made a law? It is called a bill to reduce the duty on imports: it should then render them less than they are by the law of July, 1832. By that law, the rate of duty on all importations is twenty-one per cent.; by this, twenty per cent. should not be exceeded.

Suppose our importation be 84,500,000 dollars, one-sixth part of all this is, by the laws anterior to last July, free of duty. Call this, though it is more, 14,000,000; this leaves 70,500,000. By the law of last session, and by this bill, 3,000,000 dollars more are made free of duty; this, deducted, leaves 67,500,000. One-fifth part of the whole importation is usually exported: this amounts to 16,900,000 dollars; but from this should be deducted one-sixth part of the free goods, equal to 2,300,000 dollars, leaving 13,600,000 dollars to be deducted from the last balance. This leaves 53,900,000 dollars. Deduct from this sum the capital likely to be employed in the importation of cotton, indigo, wool, and cotton yarn, amounting to 4,900,000 dollars, and the amount left, on which to charge your average duty, as you must admit, but twenty per cent., will be 49,000,000 dollars. At that rate of duty you will realize from this importation 9,800,000 dollars of revenue. Should your importation rise up to 87,000,000 dollars, you might realize a revenue of 10,300,000 dollars. If you raise imports by this bill to thirty per cent., and do not obtain more than 84,500,000 dollars of annual importation, your revenue will not exceed 14,700,000 dollars.

One deduction further, after all those already made, must be made from the amount of revenue to be produced and brought into the treasury by this measure. South Carolina has ordained the non-payment hereafter of all revenue. A State so burdened with import! A State so burdened with export, paying 40 per cent. on $7,000,000 of exported cotton, equal to 2,800,000 dollars, and 60 per cent. on a like amount of imports, equal to 4,200,000 dollars; what could she do under such a load of taxation? Seven millions annually! How can the nation exist, and want such a large portion of all the public revenue? It must be surrendered, however: for South Carolina has taken her stand behind her own ordinance, and on the eternal bottom of her own reserved rights, her indomitable sovereignty. She has—let who will pay for the music of Government, she has resolved, henceforth, to keep all her own money in her own pocket. What will the loss be to the treasury? What it might be, we cannot tell; but we can ascertain what this mother of all chivalry did pay in 1831. The foreign imports of that State were, in that year, 1,238,133 dollars. Of this, 46,596 dollars were exported, and 1,191,537 dollars left; on this, after deducting one-sixth part free, duty was paid into the treasury. Say the amount was 1,200,000 dollars, the deduction for free goods, one-sixth part, or 200,000 dollars, and a duty of 21 per cent. was paid on this 1,000,000 dollars of foreign importations; this duty equalled 210,000 dollars, and this amount must be deducted from your revenue of 10,300,000: for, according to the new tariff made by the ordinance of South Carolina, that State will hereafter pay no more revenue to the United States. You will, therefore, have a clear revenue, under this bill, of 10,100,000 dollars, and no more. It must be admitted that the blank left in the revenue account by this famous ordinance does not create, if I may be allowed the phrase, a very great void in the treasury; but this State seems to think it is wise and honorable, the less money she has to pay, to make the more noise at the payment of it. Rhode Island, with less than a fifth part of the population of South Carolina, and with not a fortieth part of the land, has annually paid into the treasury more than this amount, to avoid the payment of which, South Carolina, with all her chivalry, now wages war with the United States.

Sir, we are told that diminished imposts, under the provisions of this bill, will set at liberty 12,000,000 dollars; and that our present quantity of imported commodities being reduced, in cost, by that amount, we can import and consume 12,000,000 more of those commodities. This additional importation, as we are told, will give us an addition to our revenue. If our imported merchandise

cost us 12,000,000 dollars less, is it certain that we shall expend this amount in such importation? This sum will not be in the hands of importing merchants. They now import, we will suppose, 85,000,000 dollars in commodities suitable to our market. They add to this amount, say 24,000,000, being the amount of duties under the law of 1828. To this whole amount they add, first, the cost of importation, and then their profits. They secure the payment of the duties at the custom-house, by their bonds, at six, eight, and twelve months' credit. The whole amount, including duties, is then sold to wholesale merchants, at a like credit, of six, eight, and twelve months. These wholesale dealers sell to retail merchants, on a similar credit; and these retail merchants sell and distribute the whole to their customers, the ultimate consumers of these imported commodities. The consumer pays the whole amount, profit, importation, and impost; and each dealer, in the whole succession, pays his creditor, until the money secured at the custom-house by the importer, and charged by him upon this merchandise, comes to his hands, from the consumers, and he pays the amount into the custom-house, and takes up his bond.

The next year these goods will be charged, for duties, with 12,000,000 less in amount. Importers will give bonds for 12,000,000 less; they will sell for 12,000,000 less; and consumers will pay 12,000,000 less for their imported commodities. This amount, this 12,000,000, will not come into the hands of importers as a capital, to be used in importation, but will remain in the hands of all the millions of consumers, in all parts of the United States, to be reserved by them out of that part of their revenue, and set apart by them the last year, for consumption, and will be added, if they choose to do so, to their productive capital. A part of this reserved 12,000,000 will be in the hands of agricultural, a part in the hands of mechanic, a part in the hands of manufacturing consumers. A portion will belong to those who work the forests, a portion to the laborers in the fisheries, and another portion will remain with all those who move the coasting and internal trade of the whole country. A portion, it is true, will be in the hands of the importing merchants; but that portion will be, in respect to the whole, as the consumption of those importers is in respect to the whole consumption of the nation in such imported commodities. The portion of the importing merchant may be used in importation, but the portions of all others will, most probably, be employed as capital, in some kind of domestic production. It is, therefore, very improbable that $12,000,000 saved, if it should be saved, from imported consumption, will be employed in foreign importation, and thereby increase your revenue.

Suppose, however, the attempt were made to extend our foreign importation to the amount of $12,000,000. If you import, you must export, to pay for your imports. What would you send abroad, and to whom would you send it? Who wants, or who will buy of you any more of your products of the seas, or of the forests, or of your fields, for food, either animal or vegetable? Can you sell more tobacco? Sir, this crop is at its maximum. No quantity sent out will bring home any more money. Would you, if you could sell it, push the culture one acre further? It is, of all plants, most exhausting to the land. The march of an army of locusts, described in the language of inspiration, most of all resembles the progress of this deleterious plant: "Before it, is a fruitful field; behind it, barrenness and desolation."

Will you export more cotton? Can you get more money for it, if you send out more millions of pounds? Perhaps for a few years you may; but this product, also, has nearly reached the maximum of price which the consumption of the world will give, or, indeed, can give, for any quantity whatever.

The wants of nations are limited by two impassable barriers: the one is their power to consume, the other is their power to pay. Quantity, no matter how much, thrown into the market, cannot, when that quantity has reached either of these limits, increase value or market price.

Nature has fixed a limit to our power to consume, both of needful food and of needful clothing. We may render our food more costly and luxurious, but we cannot so distend our animal organs as to very much increase the quantity. It is, in a great measure, so with our clothing—the quantity cannot be increased, though the quality may be rendered more expensive. The great mass of consumers, the labor, and industry, and economy of the world, are limited in their wants, both by the prudence of their necessities, and by the amount of their means of payment.

Vanity—it need not be called human vanity, for, of all animals, it is said none but our race are comforted by this distinguishing attribute of vanity—vanity has no limit to its capacity for dress and ornament. The dandies and belles of the world would consume, on the adornment of their persons, the labor of the universe, the wealth of all generations. We are told, I believe, by Tacitus, that the daughter of a Roman proconsul attended a levee of Tiberius, adorned at a cost of 500,000 pounds sterling. Have we not seen, and that frequently, the very affectionate daughters of very indulgent fathers enter the ball room, and waltz, and cotillon, ornamented with several hundred bales of cotton in each sleeve of their dress? These ornaments are, almost exclusively, the labor of the human hand. One pound of Flanders flax, worth twelve cents, is often worked up into a commodity equal, in market value, to 200 pounds sterling; and one pound of sea island cotton, worth thirty cents, may, when wrought into laces or lawns, bring 60 pounds. England exports 70,000,000 yards of lace; but four ounces of cotton are manufactured into thirty yards of it. The dress of the beauty, the fashion, and the vanity of our race is often as filmy, as immaterial, and as translucent as the same quantity of summer moonshine. Your cotton exportation may not be very much benefited by this kind of consumption.

If the twelve millions received from the consumption of foreign imports, by this measure, should be added to the capital of the country, and employed in domestic production of all kinds, about three-fifths parts of it would be fixed in the instruments of labor; and the other remain circulating, and to be annually consumed and reproduced with, as it may be, some profit. What part of this consumption would be of foreign, what of domestic products? and what part of this production would be made for export, and what for the domestic market? At most, not more than three millions of dollars could be exported and exchanged for commodities paying a duty when imported. On this, under the act of July 14, 1832, at a duty of twenty-one per cent. on such as would be dutiable, you might realize four hundred thousand dollars of additional revenue. According to the statement made at the treasury, on the 26th of July last, the bill of the 14th of the same July will, on an importation of seventy million eight hundred thousand dollars, yield a revenue of twelve million one hundred and one thousand dollars. Add this last item to that statement, and you will realize under the law, enacted after so much labor and deliberation at the last session, just twelve million five hundred and one thousand dollars; a fraction more than the amount which, in addition to the land revenue of two million five hundred thousand, it is said, will be wanted by the Government. Where, then, is the want of a further reduction of the rate of impost? It is idle to pretend it. If this bill tell truth in its title, and really will reduce the rate of duties on imports, there will be a deficiency, unless we have an over importation. The bill before us must, therefore, be

predicated on the continuance of the over importation of the two last years. It is true, we may import one hundred millions of dollars, but it must be for re-exportation, and not for consumption in the country. What does the domestic market require? The importation and exportation of 1830 completely answer the question.

In that year, we exported - - -		$70,876,920
Of that amount, were exported - -		14,387,470
Of which exports—		
Cottons were - -	$1,500,000	
Woollens - -	250,000	
Iron and steel, and fabrics of each - -	150,000	
Teas - - -	892,807	
Coffee - - -	1,046,542	
Total,	$3,839,349	

In 1830, therefore, your market was over supplied in cottons, woollens, iron, steel, hardware, tea, coffee; and you exported more than three million seven hundred thousand dollars of these commodities, paying the highest rate of duties. Besides all this, you exported in that year, of—

Domestic cottons - - - -	$1,300,000
Domestic iron, and manufactures of it, and of steel, - - - - -	300,000
Total,	$1,600,000

What, sir, in future years, will increase our disposition or capacity to consume, or our power to pay for foreign commodities? If, therefore, importation over and above the amount made in 1830 has been, or shall hereafter be made, it has been done for exportation, and to increase our carrying trade for other nations; because they cannot work so cheap, or will not work for so small profits as our navigators and merchants. Will demand be made during the next six years by the increase of population for any further increase of importation? Sir, be pleased to look at the over importations of 1831 and 1832. In the first, 38, and in the second, $30,000,000; and in both years, $63,000,000 over and above the import of 1830. In that year you exported $14,000,000 only; but in 1831 you exported $20,000,000; and in 1832, $24,000,000. This is $17,000,000 over the average export of 1830. Still, after all this, a surplus is left in the country, over and above the consumption of that year; a surplus equal to $43,000,000. This is more than $6,000,000 a year for the next coming six years, and will more than cover any demand, yearly to be made, by the increase of population. There can surely be no new demand for increased importation of cottons and woollens; for $17,000,000 of the excessive importations of those two last years were made in those fabrics. Let it not be forgotten that the import of 1831 was $103,000,000; the export $81,000,000; and thus there was left in the country an unpaid for excess of $22,000,000. In 1832, the import was $100,000,000, and the export $87,000,000; and thus, also, was left a balance unpaid for, of 13,000,000. In both years, the total balance unpaid was $35,000,000. Some part of this, perhaps $5,000,000, might be profits and freights; but a very large part was, and is, a debt outstanding against the future exportation of the country. We must, therefore, undoubtedly produce and send to England, where this debt is almost wholly due, at least 5,000,000 dollars a year for the next six years, to liquidate the principal of this debt, if we say not any thing whatever about the interest.

Where, then, is the statesman, who looks quite through all the great interests of this nation; and who, with all these facts under his eye, can believe that the American people can import and consume in each year, during the six years now immediately to come, 30,000,000 dollars more than was imported and consumed in 1830? Where, then, is the wisdom of settling our scheme of revenue on the hope of such ruinous importation?

If our consumption do not require more foreign commodities, and such are imported to the amount of 12,000,000 dollars, these commodities, if consumed in the country, and not exported, must ultimately displace and exclude from our national consumption and market 12,000,000 of domestic productions. Suppose our market require 48,000,000 of cotton and woollen fabrics annually, and, when fairly supplied, afford a profit of 7 per cent. equal to 3,360,000 dollars. Then let foreign fabrics, of those kinds, be imported, equal in amount to 12,000,000 more, and crowded into the same market for sale. Will not price fall in proportion to the over supply? That over supply amounts to one-fifth part. Price must, therefore, fall one-fifth part, or 20 per cent. The whole 60,000,000 will bring no more than 48 would have brought, for 48,000,000 was all the cotton and woollen goods which were wanted. That amount of money was all which the nation would or could pay for their supply of those fabrics; and they would give precisely as much money for enough, as they would give for any quantity more than enough. If the keeper of an inn informs a traveller that he will furnish him with one good dinner for one dollar, but, as he has plenty of provision, he will sell him two for one dollar and twenty-five cents; the traveller wants but one dinner, can eat but one dinner; and if the keeper put twenty dinners on the table, he will pay but for one. If, therefore, 12,000,000 of cottons and woollens, in foreign fabrics, be added to your market, a loss must take place equal to that amount. This would fall on the domestic and foreign producers, according to the supply furnished by them respectively; 2,400,000 to the foreign, and 9,600,000 to the domestic producer. Would this increase or diminish domestic production? and what effect would it have on our power to import and consume foreign commodities?

Twelve millions lost the first year, and this loss repeated, by a yearly over import of twelve millions of dollars, during six years, and you will find seventy-two millions of dollars have been lost by this war of importation, made against the manufacturing labor of the country. One-fifth, or fourteen million four hundred thousand dollars, is lost by foreigners; and four-fifths, or fifty-seven million six hundred thousand dollars, by Americans. This would dispose of the whole, if not more than the whole, circulating capital now employed in those two branches of our domestic production. Is this to be the effect? Was it the final cause of this bill? Does it, by reduced duties, tempt men to make excessive importations in any other commodities? Look at the provisions of it. On cotton yarns, a duty of ten per cent.; on woollen yarns, a duty of fifteen; on coarse woollen cloths, five per cent.; on all other woollens, and on all cottons, twenty per cent. impost. Last summer, we were told that impost on cottons and woollens was sixty-three per cent.; but more than twenty-seven millions in those commodities were imported in 1831. Was not this bill, with these reduced and pitiful rates of duty, calculated and fitted to increase those importations up to twelve millions of dollars more, and thereby secure the utter ruin of those productions in the United States?

Do not inquire after the paternity of such a measure; for who would declare its generation? It is of dark and demoniac origin, and was named at no holy fount. It received a foul baptism in "the abhorred Styx, the flood of deadly hate." Why this glozing title, "a bill to reduce and otherwise alter the duties on imports?" In the form of its enactments, it is as classically British as at and after the rate of five dollars for every one hundred dollars value thereof. In its cotton and woollen provisions, Man-

chester and Leeds themselves could not have devised measures more purely English. Let it be entitled a bill to aid Old in the ruin of New England, to avenge those brave men slain by Yankees at Lexington and Bunker Hill, and for certain other purposes.

If diminished impost increase importation and consumption of foreign commodities, and thereby diminish the consumption of domestic products, then this diminished rate of impost is a regulation of commerce for the discouragement of American, and the encouragement of foreign industry. Twelve millions of dollars more are to be used for imports. This excludes the products of twelve millions of American, and brings into our market those of English labor and capital to an equal amount. "The neighboring powers" of the South tell us that all congressional enactments for the encouragement of American labor and capital are utterly unconstitutional; but to this bill they neither express nor feel any such objections; because, though it is a bill for encouragement, yet does it transfer that encouragement from American labor and capital, where it was originally placed by the Hamiltons, the Madisons, and the Ellsworths, the great founders of our system; and, under the advisement of the Coopers and Calhouns of these degenerate days, it gives that same encouragement to the labor and capital of England.

Must we indeed make this sacrifice to the Moloch of disunion, now blowing his fires, and heating his furnace, in the distant South? Barbarian and ruthless god! Will he not spare his own devotees? The State of Maine holds three millions of dollars in cottons, in wool, and in woollens; while all her foreign import trade does not exceed five hundred and eighty thousand dollars. New Hampshire has five million five hundred thousand dollars in cottons, and two millions in wool and woollens; and all her foreign commerce of importation hardly equals two hundred thousand dollars annually. How many men, women, and children, in these two States, earn their bread and clothing, and shelter themselves from the winter storms of New England, by their daily labor in these manufacturing vocations? All these must not only be sacrificed to this consuming deity of disunion, but he demands that their own neighbors and familiar friends, placed here for their preservation by their unsuspecting confidence, the congressional delegation from those two States, shall bind the victims, and with their own hands lift the sacrificial knife; and, as a devoted priesthood, do all other barbarous rites of his altar.

Sir, we are sometimes told that this is a mere revenue measure—an assessment of taxes on the people of the United States. If so, it should have exercised care and honest diligence, and, by its provisions, equalized the burdens of those people. Examine those provisions: look at iron. Where is that commodity in the greatest abundance consumed? In New England. First, in our agriculture; the rocks of our region, when they do not rise above, come nearly up to the surface. That surface is, in most parts of that region, thickly set with chip stone. Our hoes can rarely strike a blow, or our ploughs or harrows move a foot, without encountering either a solid rock, or some fragment of flint, quartz, or granite. The feet of our working cattle and horses are, from necessity, continually covered with iron and steel; and in winter this must often be removed, sharpened, and replaced, to sustain these laborious animals on their feet in their movements over the ice. You, of the South, call New England "the land of ships." What, like a ship, is so nailed, and spiked, and bolted, and cabled, and anchored, with iron? Our factories, from the water-wheel to the card, the spindle, and loom, are not only fastened and covered, but literally fabricated from iron and steel. Our mechanics—But I forbear. Who does not know that we cannot move in our labors in the forests, the fields, the workshops, or on the ocean, unless armed, from head to heel, in these productions of the mines and forges of foreign nations, as well as of our own country? Sir, New England annually consumes twenty times as much iron and steel as all the seven anti-protection States. Massachusetts, nay, the little State of Rhode Island, uses up, in farming, in manufacturing, and in navigation and commerce, ten times as much iron and steel annually as is consumed in all her labors by the great nullification State of South Carolina. What are the duties on iron? At what a rate of taxation does New England get her supply of this commodity? By this bill, the tax on hammered bar iron, and on all the fabrics made from of it, is thirty per cent. On cast iron it is fifty per cent., and on rolled bar iron it is eighty-one per cent.

Where does the labor of our country consume sugar? In the same devoted land of New England. What is the rate of tax on sugar? If it cost abroad, as much of it does, one cent a pound, the tax is 200 per cent.; if two cents, 100; if three cents, 75; if four, 50; and if five, 30 per cent.

What is the tax on tea? Thirty per cent.; and the laborer of New England is the great consumer and payer of this tax. What is the tax on coffee? Ten per cent.; and the wealth and leisure, not the labor of the South, are the great consumers. Sir, I do remember a widow in New England, now of more than threescore and ten years; the husband of her youth fell at the battle of Eutaw, by the side of Green. Her only son, as brave a seaman as ever gave canvass to the wind, was one of those gallant men who rowed Perry from the wreck of the Lawrence, and placed him on that deck which bore him successfully and in triumph through that war on the waters of Erie. Here he received a ball in his breast, which, fixed in his side, finally carried him to his grave, whither his bereaved mother followed him, and his wife also, in 1824. They left two little orphans, a son and a daughter, one of them now twelve and the other fourteen years old. These affectionate and grateful children now work in a factory, and feed and support their aged grandmother. Look into her cottage, sir, as I have done: it is the abode of neatness, humble comfort, and pious resignation and hope. She will offer you the hospitality (it is all she can) of her frugal table. Her bread is coarse, but sweetened by the affection of those who have earned it for her; her tea is brown bohea, but she has paid a tax of 30 per cent. upon the humble beverage; her sugar is of the darkest shade and the cheapest quality, but she has paid a tax of 200 per cent. on its cost in the West Indies. She will, after the humble repast, present to you, if you will receive it, the clean, white, sociable pipe, and the Virginia weed prepared in the best style of Richmond; but this indulgence has come to her use under a protecting tax of 125 per cent.

You, sir, have also seen the Southern planter served with his evening coffee at a tax of ten per cent., with sugar, double refined, at but one-fourth the tax paid on the cheapest brown; and each utensil, with its rich contents, presented to the wealthy master by a separate slave, and all dressed by their owner in fabrics at a tax of but five per cent. Are you not ready to exclaim, as the Saviour of the world exclaimed in a like case, "Verily this poor widow hath cast more into the treasury than they all!" Notwithstanding this, sir, you have heretofore, and that right often, heard this hall echo with the voice of complaint made here by those very men, and, as we were assured, for the benefit of the poor; nor could Iscariot himself, should he come to a resurrection, and call to us from the foot of the gallows, be either more loud or more sincere in their behalf.

Sir, is there no protection in this bill? Yes, in truth is there. Iron, the product of the mines and the forges of Tennessee, and Pennsylvania, and New York, and New Jersey, is perfectly protected in all those markets of the United States where it can come in competition with the

foreign commodity. Sugar, the product of Louisana and Southern Georgia, is also protected; and, by this provision of the bill, the cotton, rice, and tobacco production of all the South is protected against all the capital and labor now employed in the production of sugar. Wool, woollens, and cottons, the productions of New England, are left at the mercy of foreign competition. In nothing is the hostility of this measure against New England so conspicuous as in the reduction of the duty on nails from five to three cents the pound. Making cut nails is a New England, a Rhode Island invention. I well knew the man who invented the machine, which, after many improvements, now performs this work so perfectly, that our market is supplied with nails at five and a half cents per pound, where, before this art was invented, their cost was not less than fifteen cents. Jeremiah Wilkinson, of Cumberland, was the inventor, an honest man, of infinite industry. He was never idle, never stood still, when any thing of use could be done. He was as untiring as the little insect, that pattern of industry, which you sometimes see running up and down in the morning on the fore-stick of your fire. This man planted more trees than any other man of his time, and has left to his sons his farms, his fruit trees, and, more than all, his excellent character, and his excellent habits of life.

This trade of nail making is carried on with ceaseless labor in Rhode Island, and in that part of Massachusetts which once was the colony of Plymouth. Foreign iron has been mostly used, but lately these men have brought iron from the mineral region of Tennessee, by the way of New Orleans; and a hope was entertained that, if they were thus relieved from the duty on foreign iron, they could afford their nails, perhaps, for four cents a pound. They knew their invention had been pirated from the Patent Office, and sold in England; but they never dreamed that Congress would aid the English purchasers of their patent by such a measure as this bill has furnished, for the encouragement of British labor and capital. The revenue had no concern in this matter. No importation of nails, unless for exportation, could be made, when the duty was five cents, and the American nails were sold for five and a half. This reduction of the duty to three cents could answer no other purpose than to enable the English to make cut nails from their cheap, coarse rolled iron; and thus ruin this New England trade, by the importation of a flood of this foreign article, so brittle that they will almost break by the wind of the blow, before the hammer can reach the end of them; and yet so cheap, that the market for New England nails may be ruined by their importation. This measure was not placed in this bill to reduce the revenue, but to destroy the American product, and make room for the English.

What will the nation, what will the world, what will history and posterity say, concerning these arrangements and set-offs? They will say, unless she reject this bill with scorn, that Pennsylvania is purchased by the protection on her iron, to aid in the ruin of New England. They will say, unless she set her foot on the bill, that New York has been paid by the electoral vote of Virginia, North Carolina, Tennessee, Mississippi, Alabama, and Georgia. They will moreover say, (and who can contradict the saying?) that Virginia has been purchased by a patent to manufacture bituminous coal, pigtail and negro head tobacco.

What does this destroying and reconciling measure effect for South Carolina? South Carolina, instructed by her English oracle ten years ago, believes now, as he told her then, that cotton will never be imported into Charleston until coals shall be imported into Newcastle. What does she gain? She gets her will; and what termagant would not be satisfied by such a boon? Her war of free trade, secured behind the bales of her great staple, like that of New Orleans, is triumphant; and, what is still more delightful, is triumphant against the hero himself of New Orleans. She nullifies; and then she, by her parade of war and menace, compels him to recommend this bill; and you, by enacting it, to repeal your tariff, and abolish your whole system of protection.

She may then look from her own desolate fields on the kindred desolation of her whole country. She will, as she hopes, be avenged on New England prosperity; and pay the debt of gratitude due from the tories of 1782, to the memory of Green by the ruin of his native State.

She will do more. She will raise a monument more lofty, if not more enduring, than that of Washington, to her favorite son, once the ardent advocate, now the remorseless enemy of protection; the successful wielder, if not the discoverer of nullification; and the second illustrious founder of Southern supremacy.

What matter for the overthrow of his country! Did not chaos exclaim, "Havoc, and spoil, and ruin are my gain?" And did not the lust of power respond, "To reign, though in hell, is worth ambition?"

What have you done, sir, chairman of the Committee of Ways and Weans, what have you done for New England? New England, the landing place of the pilgrims; the cradle of American independence; New England, the blood of whose sons has fertilized so many Southern, and consecrated so many Northern fields. What, I demand of you, have you done, in all your wise provisions, for New England? You have left undemolished—what could you else?—her rivers and rocks, her mountains and winter storms; and, O how courteous! you have not taken away from her the curse of exterior influence, and interior treachery.

You may triumph, you cannot subdue; New England labor, like New England valor, can never be subdued.

You of the South have essayed every scheme and shift of policy. Your embargo lashed our ships to the wharves until their shrouds fell from the masts. Your non-intercourse and war locked up in warehouse the staple of our commerce, which had been purchased, and long paid for to you; and even New Orleans was defended by the cotton of New England. By your tariff of 1816, you called on New England to sacrifice the rich East India commerce of Salem, of Boston, of Rhode Island, and Connecticut, to what then you denominated a much greater interest—the national independence and the common welfare.

Nor have our primary interests alone excited your hostility. Every blight of calumny has been blown over the character of New England, by Southern slander. For our attachment to Washington, and the principles and policy of Washington, we have been calumniated and denounced as monarchists, English partisans, and tories.

Plots, the vile brood of malice, have been hatched under Southern incubation, and fledged for flight, and, with our own money, bought up and sent out into the world, like flocks of harpies, that by their impurities they might make foul the good name and untarnished patriotism of New England.

The low, vulgar abuse of the employments, the trades, and character of Yankees, is consecrated, and sent abroad in the world, in the posthumous publications of the successor and political rival of Washington. In tenpenny pamphlets, lately published by one of the great men of that rival, New England is again set down as traitorously trading, during the last war, with the enemy in English Government bills.

Sir, let me tell these men, the genius of New England is not thus to be overthrown. You may, if I may allude to the wrestling ring, you may, by some trick, foil, you may bring him to a knee, but never will you have power to lay him on the back.

Place New England on a region of rock, without earth or water, our labor shall drill the solid stone, and, like the staff of the prophet, let out the gushing stream. Our perseverance shall beat the flint into small dust, and cover

the whole surface with soil. The dews, and the rain, and the sunshine of heaven, the only creatures of God left by you, in amity with us, shall give to our new earth moisture and fertility; and time, and labor, and God's blessings, shall cover the whole region with verdure, with plants and trees, with cornfields and gardens, pastures and meadows.

What has all this perpetually labored and cunningly devised trans-Potomac policy benefited its votaries? This system of change and vacillation? This cotton and tobacco economy? This toil for perpetual exportation of the sweat of your goaded labor, and the fertility of your hard driven lands? Look into your own speeches, both on this floor and elsewhere; are they not filled with fields scourged down to barrenness, and slaves multiplied, and worked up to the very point of insurrection?

Will this measure, if it succeed, and ruin us, place you in better condition? If it fail, and you nullify, or secede, will our ruin, or your separation from us, restore virgin freshness to your lands, or give to your midnight slumbers one moment more of quietness?

Sir, the provisions of this bill would never, by my voice, be passed into a law; but if ever, surely not on this day, or in this year of our redemption. We did, at the very last session, and not more than six months ago, regulate and settle this whole question; and that, too, after long and solemn debate, protracted deliberation, and unwearied labor. Are we half a year wiser, now, as we are scarcely so much older, than we were at that session? Who has received a revelation? for not one of us can have on this question, by human agency, more knowledge than when we voted for the law of last July. Then a compromise, as it was said, and settlement, were made. What pledges were given, God knows; but can greater be given at this time? Settle the question again; who will be bound by the law? What can we enact, which, if nullification do not demolish, another, and the next Congress, cannot repeal? Examine the statement made at the treasury on the 26th of July last, twelve days after the law which goes into operation on the 3d of March next, was approved by the President. At the rate of duty under that law, the amount of merchandise imported in the year 1830, being in round numbers $70,800,000, will yield $12,101,000. At that time, it was believed at the treasury that no more than that amount would be imported during the next year. What was the ground of this opinion? The excess in importation of the preceding year, 1831. Is not that argument strengthened by another of equal weight—the excessive importation of last year? If the treasury believed that the importation of 33,000,000 more than was wanted would prevent a like excess the next year, then, indeed, when another importation of 30,000,000 has followed, and the country is crowded with an excess of 63,000,000, what reason can the Secretary or Congress now have to expect 100,000,000, or even so much as 70,000,000, will be imported the next year? That amount, with the excess, not yet exported, but still on hand in the country, will be 30,000,000 more than we can consume at home, or sell abroad, or pay for by our own export of domestic production. If we pass this bill, which, as we are told, will reduce the revenue $6,000,000 below what the law of July last will produce, and our importations of foreign merchandise do not this year exceed 70,000,000, we shall lack at least 4,000,000 in our supply of the wants of Government. It would be a singular fortune for the same man to pay off the old national debt during his first Presidential term, and be compelled to begin a new debt in the first year of his second. If his friends will not save him from this inglorious condition, I trust, sir, that those who have never arrogated to themselves that title will rejoice to do it, while, at the same time, they, by the same prudent measure, preserve the best interests of the nation.

Sir, the fabric of law, which this House wrought at the last session with so much care and labor, cannot now be unravelled by us, without self-rebuke and self-reproach. To call on us to do so, is requiring of us to enact, and put on the legislative archives of the nation, a perpetual record of our own dishonor.

Nor would the repeal of the law of July, by the enactment of this bill, be regarded by the nation as more derogatory to the honor than the integrity of this Congress. For that law, though not technically in force until the 3d of next March, has, in fact, gone into operation in hundreds of thousands of instances. How many contracts, in all parts of the country, have been made in every branch of employment? By these contracts, what terms of labor are to be done? what quantities of goods, wares, and merchandise are to be produced and delivered, both in this and other countries? what amounts of money are promised to be paid at home and abroad? This law is a part of every contract; for when two men draw out and execute a contract, in writing, the law is as much a part of it as if it were transcribed and placed on the paper or parchment. Shall we, the legislators, the guardians of the rights of the people, put our hand upon these millions of agreements, solemnly written, signed, sealed, and delivered, and binding on our fellow-men? Shall we dare to seize upon these contracts, and tear out the law embodied in their pages? It were a deed, sir, which, if done by any individual in the nation, would, by law, be punished as a felony. Who, then, can advise, can require, can urge us to be the perpetrators of such a deed, dishonorable to ourselves, and ruinous to the nation?

For another reason, I would not do this act at this time. Seven States in this Union, after forty years of use and occupation, after a time almost "whereof the memory of man runneth not to the contrary;" these seven States do now allege that our great and glorious system of encouragement and protection is unconstitutional. Repeal it at their demand, and you establish their doctrine. Let them, if they can, establish their theory by the constitutional tribunal. Let them try the question, as New England tried the constitutionality of the embargo, by courts of the United States. Nay, let them show the evils of our system, by showing the injuries done by its operations to their interests. Are they overtaxed by its provisions? It can, if so, be easily demonstrated. I call, I challenge them to the examination. I have laid a system of inquiry on the table. Let them put it in operation. If truth be on earth, it can, by that scheme, be sought out and discovered. Is there capital, under our system, less profitable than that employed by the whole free labor of the nation? No, far otherwise. If the system were abolished, would that capital be thereby rendered more profitable? Surely not; but, if it would, shall we destroy the general, to enhance some special welfare; the many for the few; the labors and prosperity of the free, to multiply the toils and increase the value of slaves?

For a third, and still more irresistible reason, I would not now pass this bill into a law. South Carolina has announced to the world that any State holds, under the constitution, the right to nullify any law made by Congress; and has abolished, by ordinance, and by law, not only your whole revenue system, but the whole power of the United States courts, concerning that system, in that State. This bill calls for concession, nay, for submission to South Carolina; to admit, adopt, and incorporate her ordinance and her law into our system of legislation. Will this preserve or destroy your constitution, cement or dissolve our Union? Sir, mingle nullification with the pure principles of your enactments, and, were your constitution strong and impenetrable as iron or adamant, this vile alchymy will dissolve into impalpable gas every link in the chain of your Union. The chairman of the Committee of Ways and Means says to us, "be just and fear not."

Be just to the general welfare, just for the present, and just for posterity. Let not the cherished delinquency of a right eye, or right hand, drag the whole unoffending soul and body down to perdition.

Fear not, ay, sir, fear not the rage or the threats of disappointed ambition or lawless anarchy; fear not the array of their battle, or that glitter of their arms, the noise of their war; but fear your country and your God; fear to violate the constitution of the nation, or the oath of the Almighty.

In what way, by what stratagem of cowardice or subserviency, can we, dare we, change the provisions, or abolish the high prerogatives of that consecrated charter? Every power under it, granted to Congress by the people of the States, or of the United States, no matter which, comes to this House with the authority of a paramount command.

The power to regulate commerce, either by impost or prohibition, was, of right, incidental to the power of each State under the confederacy, though never expressly granted to such State by the people; nor would they permit the continental Congress, by an exercise of the treaty-making power, to invade or abridge, or bring into disuse, this then high prerogative of the States.

Art. 9th of the confederation—"No treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subject to; or from prohibiting the exportation or importation of any species of goods or commodities whatever."

Has not this whole power over impost and commerce been conferred on Congress? Is not impost, in our hands, as well a regulator of commerce as an instrument of revenue? Can we use this instrument to raise money, and "supply the wants of Government," because the general welfare requires that supply? and is our own arm shortened when we attempt to use the same instrument to supply the wants of the people, when that welfare so loudly calls for that supply? Could each of the States, before the constitution, by the exercise of this power, countervail those laws of other nations which then did, and now do, exclude the products of our land and labor from their consumption? But must we, with all these powers of all the States, and all the people, now in our hands, be prohibited by one of them from all exercise of these powers, not only at this time, but henceforth and forever? Sir, if but two brothers were to place in your hands a sum of money, to be redelivered when both called for it together, could you honestly or safely surrender the treasure to either one of them separately? A deposite of power, in our hands, has been made, by a family of twenty-four; and each one of them is deeply interested in its exercise and preservation. We have sworn to keep, to use this treasure for their benefit. Shall we, can we, dare we surrender up the whole to any one of them?

Sir, we have lifted up our hand to Him on high; and we cannot go back. "I am persuaded," (suffer me to use words not only fraught with all the energy of human genius and eloquence, but instinct, too, with the very spirit of inspiration,) "I am persuaded that neither principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature," can make of us the recreant things which shall, when the ship but labors a little, throw overboard the cargo entrusted to our care, that we may thereby preserve our own pitiful adventures; or, overawed by a superstitious fear, dash our own children into the ocean, to appease some imaginary monster of the deep, and secure ourselves from his jaws.

Make this concession; submit, in this, to South Carolina, and have you, after this, any constitution, any Union, any national interest, any congressional enactments, which that State, or any other State, cannot, at any time, by the same process, utterly abolish?

What next, after this measure, will this State lay her hand upon, and say, this too must perish? Your fisheries cherished by protection; then the coasting trade, so interesting to the people, and so endeared by this system; after that, the American character of your ships, and your whole navigation, protected so long, and by so many laws; then, your navy, the delight and glory of the nation, protected with all these, and protecting all. These all must perish, under the consuming breath of this foul sorceress of nullification.

South Carolina now claims for her slaves a condition superior in pecuniary productiveness to your own; and this claim, when once gratified by your base submission to its demands, will then call on you to improve the political condition of those slaves. Your law, apportioning representation, South Carolina will denounce, as inconsistent with the spirit of the constitution. This she will then nullify, and insert in the statute, and compel you to place in the constitution, the full, in place of the three-fifths parts of representation of those slaves.

South Carolina—I say the demagogues of nullification in South Carolina—will rule, or they will, if they can, separate these United States. They will effect this by nullification, or by secession, no matter which, for these modern Titans of disunion are both of one family, twins in the same traitorous and bloody brotherhood of anarchy and war.

The spirit of disunion is in our land. Will you propitiate the fiend, by heaping his altar with sacrifices; or will you, like men, valiant with pious patriotism, resist the odious denizen of darkness, and compel him to flee from you? This spirit of disunion is indeed abroad; and like the same demon spirit, in dragon form, seen by him of the Apocalypse, he may, unfolding his foul volume, sweep after him "one-third part of the stars in our political firmament."

Which of these stars are to be fixed, or which planetary; which primary and central; or which secondary, and mere satellites; are matters quite too high for the ken of mere Northern eyesight; and must be left for discovery, to the more powerful vision and brighter skies of Southern climes. For the other States I have no fears; but may God send, of his infinite mercy, may He send that the laws of position and movement among these may be ascertained and established, before they, now so bright and beautiful stars, shall go down, and be extinguished in a horizon of blood.

MONDAY, JANUARY 28.

The following resolution, submitted by Mr. APPLETON on Saturday, coming up to-day, viz.

Resolved, That the Secretary of the Treasury be directed to communicate to this House the data by which, "taking an average of the importations for the last six years as a probable criterion of the ordinary importations for some years to come, the revenue from the customs at the rates of duty payable after the 3d of March next may be estimated at eighteen millions of dollars annually;" also to communicate to the House how far the duties payable after the 3d day of March next fall short of or exceed the amount which would have been payable had the bill, transmitted to this House by the Secretary of the Treasury on the 27th of April last, become a law:

Mr. CLAY, of Alabama, moved to lay it upon the table, but withdrew his motion at the request of

Mr. APPLETON, who observed that, when he had been induced to offer the resolution, he could make no calculation from any data in his possession going to show that the bill of last year could produce more than fifteen millions of dollars; whereas the Secretary had stated in

his report that it would produce eighteen millions. Having found this difference in the reducing effect of the bill, he considered it due to the Secretary himself, and to the House, that, if any error had occurred, the House might be put in possession of the means of correcting it.

Mr. WILDE moved to lay the resolution on the table.

On this motion Mr. APPLETON demanded the yeas and nays; but, before they were taken, the hour expired, and the House passed to the orders of the day, and resolved itself into Committee of the Whole on

THE TARIFF BILL.

Mr. BURGES resumed and concluded the speech he commenced on Saturday, (as given above.)

Mr. YOUNG, of Connecticut, next obtained the floor, and moved for the rising of the committee, but the motion was negatived: Yeas 61, nays 67.

He then addressed the committee; but, at half past 5 o'clock, gave way for a renewal of the motion by Mr. INGERSOLL: this also was negatived: Yeas 54, nays 80.

[Lights were now introduced into the hall.]

Mr. YOUNG then said he had intended to proceed to other branches of the subject, but, finding his voice and strength fail him, he should decline saying any thing more. The following are his remarks entire:

Mr. YOUNG said he regretted extremely that he felt obliged, at this time, at this late hour of the discussion, and of the day, to ask the further indulgence of the committee, exhausted, as well as himself, by so long continued session and attention; but seeing no one ready to proceed, as he had hoped, and the calls for the question frequent and loud, he could not permit so galling a stroke to be given without attempting to ward it off, though he were certain the attempt must prove utterly vain.

He deemed it, he said, no excuse at this time, that he did not very frequently claim this indulgence, or that, at this time particularly, he could not, and would not, claim it long; but he had an excuse, he trusted, which should be prevalent, even now, and that was, that this bill was aiming a peculiarly direct and fatal blow at the prominent and vital interests of that section of country which he might be considered as more particularly representing—a blow that must fall as grievously upon it, probably, as on any other section of that extent, as a body, within the whole scope of what must be its wide and destructive influence.

The various topics, said Mr. Y., more general in their nature, but bearing, as every thing else does, on this great and every where reaching and pervading subject, lighting on all and every of our domestic and even foreign interests and relations, have already been extensively, powerfully, and, he might add, splendidly exhibited and enforced here, so as not soon to be forgotten, and to leave little room for amendment and improvement, but carrying our reflections and feelings, in some part, above and beyond the particular exciting cause, and leaving the bill, and its direct and more immediate bearings, almost lost and unnoticed amidst the many opening, delicate, and important considerations it had itself excited.

My object will therefore be, said Mr. Y., before it shall pass from before us, to call your attention to the bill itself—its first consequences; noticing, as I go along, the grounds on which it has been presented and defended here, and inquiring a little why and wherefore it is that this proceeding, which is spreading distrust and alarm through all the industrious walks of life in a large portion of our country, is, with all its consequences, thus suddenly and unexpectedly thrust upon us. Sir, said Mr. Y., who honestly wants this bill? Who is even decently satisfied with it? Who has risen here to defend it except the members of the committee that reported it? None, save the gentleman from New York, [Mr. CAMBRELENG,] and he was not satisfied with the reasons given for reporting it.

Members here, who, from their position, are looked to vote for it, as far as their sentiments and feelings can be read from incidental expressions of word or countenance, approach it as an irksome task they know not how to avoid, and anxiously inquire if it cannot be borne—"hope it may not prove as bad as it is feared."

The very resolutions presented here in favor of reduction, and now on your table, though they count on the bill in their preambles, take special care, as will be seen on examination, not to recommend it, or hazard a definite opinion upon it in the resolutions themselves. Even partisan presses, that must speak in its favor, do it with that unwilling grace and such faint praise as speaks their disapprobation.

I did, sir, to be sure--the significancy of which the committee can judge of as well as I--hear a certain honorable gentleman over the way [Mr. HOFFMAN] say to an honorable gentleman on this side [Mr. ADAMS] that he [Mr. H.] heard the Secretary of the Treasury say he was in favor of this bill, provided some amendments could be made to it, and this in something of a confidential way, it would seem, for he [Mr. H.] was opposing the call on the Secretary to communicate his views on the subject publicly to the House. The committee also may remember that the honorable gentleman from Georgia, [Mr. WILDE,] in that part of his speech the other night, which he himself called, not a lecture, but an exhortation, for the special ears of certain members here, spent some fifteen or twenty minutes in attempting to prove that the Vice President elect was in favor of this bill, principally from the fact, as I understood it, that he had not written, uttered, or published one single word about it one way or the other, so as that the public should know of it. I shall, however, leave these more recondite indications towards this bill to those better initiated. But who, sir, here or any where else, comes forward frankly, candidly, decidedly, and boldly, to advocate and defend this measure as right, and just, and honorable; as calculated to make our country industrious, prosperous, glorious, and happy? And this is the alarming feature in our case, that this bill, which seems to stand shunned and alone, without comeliness or merit in itself to command respect in the eyes of any, like some unshapen and unnatural birth which none but its parents can have affection for, and even they can have no pleasure in, has any chance of success, and may triumph over us, for reasons foreign to its merits, and by means and influences unseen and unknown.

But, sir, I will come to the arguments in which the committee themselves commend this bill to our consideration, resolving themselves principally into these two positions: that the revenue must, at all events, be reduced six millions, and that the enormous profits of our manufacturers render the task justifiable and easy. As to the revenue, I shall make but a few observations. I know not why it is, sir, but the great point of caution on this subject, if we measure the tendency of what is said, seems to be, not so much lest the revenue shall fall below the amount aimed at, as that it should not, at any event, go above it, by which millions may be sacrificed on the doubtful space.

There seems, somehow or other, to exist a secret dread of any surplus in the treasury of a dollar, for a day, as if the whole body politic would be distressed by it; as if some new principle, sympathy, or tendency, had been discovered in the nature of our Government, pervading our whole political system, desiring a vacuum, as much as nature abhors it. But the exposition of my honorable colleague, [Mr. INGERSOLL,] so clearly given us the other day, must satisfy us fully, I think, that we are in no danger of any collapse or explosion from this source for some years yet to come. And if we compare the facts and arguments suggested by the honorable gentleman

from Massachusetts, [Mr. Appleton,] and the several reports, statements, and tables issued from the treasury itself, during the agitation of this subject last year and this, the more doubtful question may be found to be, whether the revenue is not already reduced sufficiently low for caution, by the act of 1832, and, indeed, whether it will not reduce it as low, or lower than the bill from the treasury last year, or this from the committee now under consideration. At any rate, there appears to be none but doubtful ground on which thus to hazard the great interests of our country, and that supported by calculations from former acts, and a state of things which the very passage of this bill must wholly change and take away. But, sir, it was not, as I said, my intention to say much on this branch of the committee's justification. I come to the other, viz. the vast profits of manufacturers; a subject with which I am much better acquainted, both from observation and experience, and can "speak what I do know" is their case, in the present state of things, as grounds for judging what it must be on a change of them.

I observed, in the beginning, that the effects of this bill must fall most grievously on that portion of country whose interests I am best acquainted with, and more particularly represent here. For your legislation, and the various advantages and disadvantages which nature has bestowed upon us, and our situation made us heir to, have planted these manufacturing establishments in our very midst, and they have taken root, and become a part of the reality, a part of the country itself—not collected in crowded towns, as in other countries, but scattered promiscuously amidst our hills and valleys, our agricultural and other interests and pursuits, too thinly to fall in a mass by themselves, and too thickly to leave any interest or concern uninvolved in their fall. A radii of some twelve or fifteen miles about me may encompass fifty or sixty of these manufactories, embracing some seventy-five or a hundred thousand spindles, costing, of hard earnings, with the powers, fixtures, preparation, (as it is called,) and other machinery to complete the fabric, from fifteen to twenty dollars for each spindle, and amounting, in all, to between one and a half and two millions of dollars; all of which, beside the effect on the various interwoven and dependent interests, must be sunk in value a greater per centum than the duties you take off by the passage of the bill.

Sir, the cheerful sounds of the bells of some of these pass over me daily; and some of their operations, and movements connected with them, come almost hourly within my observation. I, too, am a manufacturer, and have the pride and the pleasure (and the pain, too, in these times) of associating with them, and knowing their hopes and fears, their risks and realities, their calculations and disappointments, and can calculate for the gentleman [Mr. Polk] (much more accurately, I think, than some of those whose statements or conjectures he read, must have done,) the speed of the wheel, the turns of the roller, the beats of the lathe per minute or yard, necessary to produce a given result, to the hundredth part of a cent, all things moving up to the calculation: (which does not, however, too often happen with us:) for, let it be remembered, that manufacturers, with us, have long since ceased to deal much in the items of their gain with whole numbers, they are glad to find them in decimals; but if this bill passes, they may seek them in fluxions and logarithms, and seek them in vain.

And, sir, I can inform the gentleman [Mr. Polk] that there is nothing at all in all this noise about twenty, thirty, and forty per cent. profit which he has argued upon; which he might have satisfied himself of by looking further into, and comparing these returns, especially a very full and able one from the State of Rhode Island, the cradle and centre of this business. Competition has long since brought all such hopes to the ground. The great struggle is more for existence than profit—for protection, strictly speaking, than conquest; and all these vain and vague representations have become, amongst manufacturers themselves, mere vanity and vexation of spirit; and, when brought in here to have effect against them, are not only tantalizing, but substantially injurious and unjust. There may be some few cases in the country, of manufacturing capital, which, from incidental circumstances in trade, or the appreciation of real estate connected with it, may escape these general assertions; but it is all true as it respects manufacturing capital merely. I refer to cottons and woollens more particularly. So much for these general and round number statements of profits.

But I will come to some propositions of a more tangible form. The honorable gentleman [Mr. Polk] (for the committee still, I suppose) read with approbation, and, as a concession from manufacturers themselves, on which to vindicate the protective principles of the bill, held out to us this proposition: that a clear protection of twenty-five per cent. fully collected, would sustain the manufactories of the country; and this is probably the lowest that any experienced man, manufacturer or other, has ever dared to suggest. Yes, sir, twenty-five per cent. clear protection. Let us compare this with the bill. In the bill, cottons and woollens, generally amounting to one-third of all our dutiable importations, with many other articles particularly needing protection, increasing the amount to more than one-half our importations, are put down to twenty per cent. ad valorem. Five per cent. below the proposition. Five per cent. may not sound much, when read or spoken here, but it may to those who shall feel the want of it. It is, at any rate, one-fifth below the standard of protection proposed, and one-fourth of all the protection left for these articles in the bill. Again: wool and woollen yarns, which it has been a great object to protect, are put down at 15 per cent.—10 per cent. off. Cotton yarns, now a vast item in the manufacturing and commercial world, and some other articles, are put down at ten per cent.—fifteen per cent. off. And coarse woollens and blankets, the importations of which amount to something like a million of dollars a year, are put down at five per cent.—twenty per cent. off, and below this standard of effectual protection. Now, if we average these four items of per cents. on the whole mass of these most important and most exposed branches of manufactures, shall we find an average of more than from twelve or fifteen per cent.? Something like one-half below the lowest point of protection proposed. But this is not all. The proposition contemplates twenty-five per cent. clear protection. Those acquainted with the operation of ad valorem duties, where the person who pays the duties fixes the valuation on which he pays, and especially on these articles, varying almost imperceptibly, agree that the nominal amount can never be fully collected. Some experienced men, as I understand, employed in the offices, believe that not more than one-half or two-thirds of the exact duties are generally realized. And manufacturers, generally, would gladly, especially in these articles, compound a whole ad valorem duty for two-thirds of it in specific form. Now, take one-half or two-thirds of the ad valorem duties belonging to these articles, as before stated, and how much clear effectual protection have they left?

But it seems, in the next place, that something more than a general impression was intended to be made, by this representation of high profits—something like a proposition that, as the profits were 20, 30, and, in one case, 40 per cent., I think, this amount, or at least within five or six per cent. of it, may be taken from the duties, and have a decent interest or profit then. It will, however, be seen by examination, that, by the act of 1832, and this

act, both of which are to take effect together on the 4th of March next, the amount of reduction is from 20 to 28 per cent. more than the highest profit named, leaving the protection minus, and the profits minus, to that amount on that calculation.

But the gentleman admitted, at the same time, that, as to many articles, duties were merely nominal, the goods being afforded in our markets by our own manufacturers as low as they were in any other place, or could be from any other source; making out, if these statements are true, another proposition, that we are now actually manufacturing, in this country, 20, 30, and 40 per cent. lower than all the rest of the world beside; the English, in their present pressed state, not excepted. But if such propositions and such suggestions are to have influence here, it is useless to argue on the tariff or any other subject: for all kinds of protection and all security are lost, and as nothing.

But, besides these vague ideas of great profits, there is another impression here and abroad, something to our credit, to be sure, but very much to our disadvantage; and that is, that the manufacturers (the Yankees, especially) will live and get along somehow or other, do what you may with them; sink them as deep as you will, they will come up again, and right side up; and that the country will not lose the benefits they now receive from them, but rather gain by their quickened exertion and economy. But, sir, there is a limit to all possibilities. They have never yet, amidst all their discoveries, found out how to make an honest profit out of a losing business. It may not be for the interest of those who feed on these calculations, to sink us too low at once. There is a depth, it is said, from whence nothing rises again; from whence the vexed and dying whale returns no more, and is lost to its pursuers.

The spirit referred to may, indeed, survive, and, I might almost say, do what you may, will survive and flourish in some shape or other, "while life and breath, and being last" with us. But is it nothing that one generation of active men, in branches of business of great national concern, and all their honest and hard earnings, shall be sacrificed and swept from the common stock, in a rash adventure to attest their spirit? It will make a full experiment, I agree: for, if any thing Government can do with duties, merely, will destroy them, this will. Judging of the present progress of things from the past, manufacturers, at no distant point of time, arriving at it by gentle descent, as circumstances gradually incline and experience directs, may much better sustain themselves without any protection from duties or Government, than they can now stand this vast descent all at once. Let it be remembered, the country is yet acting and manufacturing under the act of 1828. By the bill of 1832, and the present bill, the reduction under both takes effect on the 4th of March next, thirty-four or thirty five days from this, and probably not five from the time this bill shall pass, if it does pass. The duties on cotton goods, by the laws under which we are now operating, are from 25 per cent. up to virtual prohibition. The average on actual importations is 37½ per cent., and the actual importations under that average more than sixteen millions, now to be put down, part to 20, and part to 10 per cent. The average of nominal duties on woollens has been reckoned at 88 per cent., and the annual importations over thirteen millions annually, now to be put down at 20, 15, and 5 per cent.—a reduction of 68 to 83 per cent., according to the tables furnished us; and, taking both cotton and woollens together, including the necessary effects of the near approach, in some parts, to prohibition, the actual effect on our trade, and the actual effectual reduction, from present protection, cannot be calculated at less than 50 or 60 per cent., at one leap, at ten days' notice.

Sir, whether our manufactories have been fostered in hotbeds, as it is said, or whether they have grown up in native healthy soil; whether their protection is now extravagant, artificial, or otherwise, makes not much difference in the present question. No manufacturer, no trade, no regular extensive business, in any situation, in this or any other country, can stand so great a change—such a shock.

Sir, it will sensibly change the relative situation, interests, and prospects of the great body of the producing, business population of the country, and influence, more or less, the operations of the whole manufacturing and commercial world. Nothing so deranging, so radical, so revolutionary, so much like retribution to forfeiture, has been attempted since the Rump Parliament, or the Council of Five Hundred, and not even then. For, in the most frenzied part of the French revolution, though the torrent was turned upon the King and dignitaries, and their titles and estates overthrown together—even these wild times were too considerate to meditate such a blow, and dared not touch, so materially, the interests, standing, and estates of the common citizen, or so derange the natural movement of the great body of the business producing population of the country.

Sir, when this bill first went forth amongst the people more particularly interested in, and acquainted with, the operations of these things, they were struck with astonishment. They could not believe their eyes, their ears, or trust the common interpretation of their native language. They could not realize that such a proposition could be presented, much less seriously advocated and pressed here; and turned instinctively to each other, with inquiring look, as when some unaccountable act of a father or guardian first suggests the possibility of some mental aberration; and all, with one accord, anxiously compare, weigh, and scrutinize each act, and look, and expression, and cannot be satisfied till some decisive movement, with the deadly weapon, settles the unhappy question.

But, sir, there was another idea suggested by the committee, which, I have no doubt, has been a serious question with some not so familiarly acquainted with the subject, on which I desire to say a few words. It is often inquired, if the American manufacturer can afford to sell his goods as cheap at home as the same kinds are selling in any market, and can actually compete with his rivals in the markets abroad, why does he want protection? I will give my own solution of this question, first inquiring why any one, if that be the case, should desire to withhold what those particularly interested consider as their safety and protection. The force of the suggestion runs back to the question of our ability to compete with foreign manufacturers, supposing no duties and no protection to exist; but the question, in connexion with the present discussion, is, whether we can compete with them under the duties proposed in the bill? And the true bearings of this question will be better seen and understood by stating it in another form: Who will stand the best chance to command and occupy our markets with their manufactures, supposing the circumstances in which we shall be placed, under the operations of this bill? For those manufacturers who shall do this, will, of course, be sustained, and those which shall be driven from the market must, of course, cease; and whatever portion of it, more or less, is thus taken away, the capital and labor depending on that portion, thus taken away, must be sacrificed, and the owners ruined, though some portion of the contested market should be retained, and though some capital, after a desperate struggle and partial loss, should not be utterly abandoned.

There are circumstances existing in the relative situation of the two contending countries, continually setting against us, which we have nothing to counterbalance, more than sufficient to overcome the effect of the duties

proposed, and leaving the probabilities for our retaining the market, or any great portion of it, altogether against us. And I would ask the attention of the committee particularly to these considerations, not merely as bearing on the point in question, but as considerations on which the necessity of protection turns, and, it may be, the fate of our manufacturers depends.

There is an indistinct idea in the minds of many, arising from distance, or something else, that we have, here, at home, in our own markets, a decided advantage over others, aside from the protection afforded by duties.

Such might have been, formerly, in some measure, the case between nations; but, in the present regular facilities for transportation and free intercourse, there is little of it left, as applicable to this question. Cannot the English manufacturer put his goods on board at as little expense as the American? The difference of freight and insurance from Liverpool and from our manufactories, to the various markets in the United States, is but small, if any thing; and when the goods are on shore, and in market, commissions, risks, and credits, cooperage, advertising, and all charges and facilities, are alike to both. The English manufacturer and merchant have, therefore, to all practical purposes, the same advantage and facilities as if they were joined to us, and a part of our own nation and country, except these duties, averaging, as we have before seen, on cotton and woollen goods particularly, but one-half or two-thirds of even the twenty per cent., and that part liable to a very considerable reduction for imperfect collections.

Now, let us see the state of things which these duties must stand against, to afford us the protection expected from them. It is, I believe, a universally acknowledged principle in business, that markets are gained and occupied, in a great measure, in proportion to the capital employed and bearing upon them; the effect heightened, however, according to the depression of the capital and labor, compared with those with which they compete. And we are all aware of the suffering depression of English labor—of the vast superiority, in amount, of their capital employed in manufacturing, and its present unparalleled reduction in value, to a total loss and annihilation of one-half or two-thirds of the original; and that capital invested in machinery, and unconvertible into any thing else, must and will be used, while there is any hope of profit, let it be ever so small.

To realize our position, then, in this controversy, suppose England and all her colonies (as her opportunities with us will be much the same, as we have seen) actually lay contiguous alongside our shores, from New York either way, and the manufacturers of each had promiscuous and free ingress and egress to and from each other, and no duties in the way, does any one doubt that the English capital would obtain a large portion of our market? Nay, would it not sweep the whole of it, till our capital and our labor were pressed down as low as theirs? Every one must see that there is here a balance of pressure against us, that must have a substantive effect in overcoming our protection from duties.

But suppose, again, England thus alongside of us, and permitted to all the privileges of our markets, and we excluded from theirs; we are thus, like one prohibited a fair field, confined to an artificial mark, with one hand tied behind him, and, with comparative youth and inexperience, turned out by our Government, to fight and grapple with overgrown and desperate capital and labor, thus free and unrestrained, let loose upon us. And this one disadvantage, also, must have its effect to weaken our feeble barrier of protection, and turn the scale against us.

But, beside this, our duties, and they only, have also to withstand the different rates of interest in the two countries; the fluctuations of trade and prices; the charm of foreign style and fashion; the vast superiority in quantity, for selection, for variety, or assignable amounts; the adventures of speculators, and the policy of making our markets the auction-house for all risks and forced sales of stale stocks, or scattering remains that might clog or surcharge their more favorite markets, and a thousand other incidents in the state of trade and manufactures, every day occurring and operating on some article, or on the whole mass, more or less, one of which at times may overbalance a part or the whole of our average of duties, and often more than that, as the state of trade now shows; all of which causes must exist and operate till we are equal in capital, in the quantity of goods in market, in general business, in the arts of finish and display; and all are depressed and oppressed to an equal scale. Sir, for one, I fear our small and imperfectly collected ad valorem duties cannot protect us against all this.

But again: Suppose the duties on cotton and woollen goods particularly, of twenty, fifteen, ten, and five per cent. after suitable deduction in collection, shall be actually added to the price of the imported article, over and above what it would be without these duties, and over and above the exact intrinsic value, (if there is any way to determine it,) compared with our own manufactures, and they are thus found in all our cities, and exhibited to all the various classes of purchasers that promiscuously throng our markets, and cater for the consumption of the country; cotton goods, ranging in all the possible grades and shades of prices, from five to one hundred cents, and woollens from twenty to one thousand cents, with all the varieties at the same prices; considering also the different qualities of their stock, the degrees of perfection of manufacture, and their various style and finish, who can judge of their intrinsic or even market value, within the amount of the whole or a considerable portion of these duties?

I understand the most experienced merchants and manufacturers seldom agree so near in opinion, and that the most accustomed inspectors, when deciding on the value on which to assess the duty, are wont to differ to a greater amount than this, after a careful and deliberate inspection and consideration. And when we add to this all those varieties of color and hue, form and fashion, which give a first impression, and combine in goods to give the saleable value, if not the real; and when we consider the variety of taste in first purchasers, and their reference to that of those of their customers, and the various incidents of opportunity, convenience, and inclination, both of sellers and purchasers, that may be brought to bear on these infinite varieties, and effect the chance of sale, and, of course, consumption, your duties and their protection are lost in the bustle; and the public, in more than one way, have lost the duties, and the American manufacturer has lost his market, or a large portion of it, and must retire exhausted from the field.

This state of things has been strikingly exemplified in the recent contest between the English and American calico printers along the lines where the effect of our minimum protection begins to cease. For four or five years the English manufacturer kept possession of a considerable portion of our market, and contested the rest, inch by inch, with an article acknowledged intrinsically inferior to our own. A mere trifle would have turned the scale, and sometimes seemed to have done it. New recruits, of various forms and style, were brought in, and sometimes one spot or point was gained or retaken, and sometimes another; but, on the whole, the English prints seemed to be retiring, to wait the events of negotiations or a favorable change of things. And, sir, if this bill passes, it will be the protocol by which, like the King of Holland, we shall be compelled, for the benefit of others, to give up the citadel.

But, sir, there was one part of the question I had al-

most forgotten: I allude to that arising out of our success in foreign markets.

The mystery about it is simply this: Where the English manufacturer commands and controls a market, without domestic competition in the way, he will not glut his own market to reduce the prices he can regularly obtain; and thus the prices there are higher than in the contested markets; and when we interfere with them but slightly, with our irregular and occasional shipments, we traffic, unmolested, under their standard of prices; but were we materially to affect the supply of such market, it would become, at once, like other disputed markets, to be contested by reduced prices, and become the prize of those who possess the power to sacrifice the most and hold out longest. And by giving an advantage to others, and weakening and worrying out our present struggling competition, we may have the benefits again of a foreign standard and prices in an uncontested market in our own country. There is another impression which, from these arguments and observations, would seem, with some, to have consideration in calculating the consequences that may befall our manufactures, viz. that the effects of our legislation are not so direct, immediate, and extensive, as is generally believed; and that distance, local markets, and many other circumstances come in, materially to check and equalize these effects. But, sir, in these times of improvement and adventure, our whole market, with that of the world, to a great extent, is like one great body of fluid, where any variation in height affects the pressure on all the fountains that feed it, and an addition or diminution finds a level with the rest as soon as the laws of nature can act, and any commotion or disturbance of it runs like circling waves over the whole, and into all the sinuosities of the branches and bays connected with it. Let us think of it as we may, in heated or cold debate here, the effects of the passage of a law, on this subject particularly, and often the mere proposal of one, to some extent, touches, as rapidly as news can fly, every town, village, manufactory, and workshop, to the extremity of the Union; and, through the whole line, as by a stroke of electricity, benumbs the arm and unclinches the hand of industry; and the wheel stands still and the water runs by, and the owner, if a capitalist, has lost so much capital, according to the shock, and the ordinary manufacturer, perhaps, his whole estate; the former probably buys out the latter at the sacrifice, and, at length, at the approach of better times, the weaker is serving the stronger in the same establishment, at a correspondent reduction of prices.

There is much said, in these times, about making the rich richer, and the poor poorer; the true mode is discovered—disturb, effectually, the industry of the country. While industry is regularly sustained, money finds employment through the medium of labor, in its disturbed state, on the fragments of its former acquisitions. And thus your moneyed men, as they are called, are made mere men of money without the intervention of labor, and, like wreckers on dangerous shores, have the best business in the most disastrous and distressing times; and, though even it may be a favor to the owner of a stranded cargo or a wrecked fortune to pay salvage or bear the sacrifice rather than lose the whole, it is no compliment to the times or to the cause which makes this business or this class of men useful or necessary. But permit me in this place, sir, for a moment, to inquire who and what sort of men these are who are thus to suffer when these times come on. I know they have been familiarly called here, (not so much of late, I think,) robbers, plunderers, and sordid capitalists, and seem to be looked upon by some as monsters or hydras, preying upon the vitals of the public. Sir, I believe they are much like other men in other business, except that they are born to more care, perplexity, and dependence on the whims and feelings of others. They are generally (and I do not know that they are made worse by the change) made out of your farmers and mechanics who have not sought to flee from regular industry, and have inclined to abide in the land of their nativity. Sometimes they are made from your merchants and seafaring men, who have brought their toilsome gatherings from every nation and clime under the sun, home to their own native village, perhaps, fondly hoping to enjoy their careful earnings, and spend the remainder of their days in security in the green vales of their boyhood, and by the graves of their fathers; men who love their homes for their country's sake, and their country for their home's sake—little dreaming that their own nation's councils were to be the bane of these hopes; men who, to secure these hopes, at some favorite spot near by, have stayed the headlong torrent at some appalling chasm, led its mighty waters out, as in bonds, and taught them to labor, and do handiwork for themselves and their country. Such are your manufacturers, whose undertakings and foundations are to be overturned by this bill. They are a great branch of your middling interest, which, above all, should be protected; the strength of your institutions, the source and substance of your nation's enterprise, prosperity, and glory; not your delicate shrubbery in the yard, or your ornamental trees in the streets, or the solitary, lordly shade on the plain, but your sturdy groves and forests, staying, by their stability and united strength, the storms of party and commotion from sweeping over the land; the source of convenience, comfort, and native variety, and beauty, in all the walks of life. But, sir, the axe at the root of the tree, as well as the tornado or earthquake, may prostrate the whole, and tumble them in heaps and confusion one upon another; and the fireweed, and the thistle, and the thorn, will succeed amidst the ruin and decay. And such will be the effects of this bill on this class of men.

But let us look, for a moment, at another general feature of the bill. I consider it as partial and hasty in its intended operation.

If we are not permitted to raise duties to the point of full protection on those articles we can supply in abundance, and in perfection; if we cannot be permitted to save, for the benefit of the country, such duties as, in many states of the market, are wholly levied on the foreign manufacturer and producer; if we must be prohibited the advantages of bestowing such duties on works of improvement, to facilitate our intercourse, bind us together, and render our country the convenience, the garden, and the glory of the world; and if we must, from this sad clog on the legitimate objects and energies of our Government, forego so much the great ends of national association; if, indeed, the revenue, or rather duties and protection, must, at all events, be reduced, now or at some other time, before a more propitious day in public sense shall succeed, that reduction should begin with the system as modelled and perfected with a view to protection; be in some due proportions as to the present amount, and gradually extended as to time, to secure, as far as possible, the following important results, so indispensable for the security of individuals, and the prosperity of the nation at large: that, in the first place, the manufacturer may withdraw, if he finds he must, after mature deliberation, and with the least possible sacrifice; that he may, in the next place, have full time to bring into requisition, economically, every practical improvement; and, in the third place, the nation may see, without needlessly hazarding the interests of any, when the revenue arrives at the point of expenditure; and, lastly, that the nation, one and all, may calmly and deliberately see and consider, as it progresses, its true bearing and operation on all their interests and concerns, and mature, amend, or change the policy as experience shall dictate. But what is the bill but a general defeat of all these objects?

But, sir, there is one more feature of the bill that I dis-

like, and that I deprecate more, if possible, than the general consequences to be expected from the bill: I mean a distinct and unavoidable sectional partiality looking towards, but operating against, the interests and prospects of New England.

I do not intend to attribute any design, but to show the fact as it is in the bill. It is not my object here to call your attention particularly to the fact, or the question why it is that the iron, sugar, lead, coal, and hemp, and other articles of certain sections and States which have heretofore ranged, in the amount of protection, very nearly with the cotton and woollen fabrics of New England, have been left with duties twice and three times as high as their fellows, when these same articles have a practical protection, in their bulk and weight, equal to all that is now left on cottons and woollens. Nor is it my intention here to inquire why it is, that, out of one hundred and forty-two classes of articles, as arranged in the table the committee exhibited to us, including both protected and unprotected articles, on eighty of them specific duties are retained, ranging from twenty to one hundred and twenty, one as high as three hundred and ninety per cent., and but six below twenty per cent., the highest on cottons and woollens.

In the report of the New York convention, it appears that New England has in the cotton business about twenty-eight millions of capital, to the rest of the Union's twelve millions, if I recollect; but some of the States that were not represented there may have had some capital not estimated, say it is as twenty-eight is to fourteen millions, or two to one; and probably it is much so as to woollen manufactures, at least near enough for the use I expect to make of it. Now this reduction of six millions of revenue which the bill contemplates, affects us like a tax on protection, and should be levied accordingly.

The proportion to New England would be about one million. Now, if the reduction of duties on the articles of which she has more than her proportion, is greater than on the rest, she pays more than her proportion, both in proportion to her excess of quantity, and the inequality of reduction. If the reduction on cotton and woollen goods is ten per cent. more than an average on the rest, she pays or loses twice as much of it as all the rest of the Union. And when we find that inequality of reduction thirty or forty per cent., as it is, the whole burden imposed becomes more unequal and enormous. But again: The reduction is calculated thus in the tables from the treasury:

The amount of duties on cottons, under the act of 1832, in round numbers, say -	$5,700,000
Those under the present bill, - -	3,100,000
Leaving the reduction under it, - -	2,600,000
On woollens, thus:	
Duties by the bill of 1832, - - -	4,000,000
By the present bill, nearly - - -	2,000,000
Making the reduction - - -	$2,000,000

Making the reduction on these two articles only four million six hundred thousand—say four and a half millions—three-fourths of the whole reduction to be made; of which New England must suffer twice as much as all the rest of the Union, equal to three millions out of four and a half millions; and this aside from her proportion in the rest, and a very severe proportion, too, in paper and glass, and some other articles; and besides having to bear her proportion of the high duties on sugar, coal, and lead, &c. (whatever it may be,) which the other sections retain and gain. But let us look at it in one more view. The whole amount of dutiable articles imported is reckoned at eighty-nine millions dollars, and the amount of cottons and woollens about thirty millions dollars—say one-third of the whole importations. The proportional part of the whole six millions, therefore, on these two articles, cottons and woollens, would be but two millions; whereas the reduction put upon them is four and a half millions; of which New England must bear twice as much as all the rest of the Union, besides her proportion in other articles, and the disadvantages as in the calculation before. But, sir, I will not pursue this unpleasant view any further. It seems to me it would have been hardly possible to shape a bill more pointedly destructive to the interests of New England without expressly mentioning her by name in the bill itself.

Comparatively speaking, the whole burden of this great change of our financial affairs is put off on New England. She, without lot, is made the scapegoat to bear off (and to some "uninhabited land" it is to be hoped) the present ordinary and extraordinary sins of the nation. Of her the committee demand a bullock for the sacrifice; of the rest, two turtle doves or two young pigeons. In a word, I consider the bill as altogether capricious, partial, and arbitrary in its provisions, and, as a whole, altogether unjust and insufferable.

Mr. HOWARD, of Md. next rose. I have hitherto been, said Mr. H., a patient auditor of this debate, and would have been content to remain so, if it had been confined to what I conceive to be the fair and legitimate question before the House. But the excursions which gentlemen have made into the almost interminable field of the tariff have been so extensive, and the light which they have shed diffused over such a wide space, in their successive illustrations of the obscure parts of the subject, that the point which we are called upon to decide has received but little illumination from their efforts, however brilliant. I know that, under the rules of the House, a motion to amend any part of the bill opens the consideration of the whole subject in the form of a discussion of the general principles of the bill; and I am not disposed to complain either of the existence or application of the rule. It is highly proper that a general debate upon the leading features of any bill, involving important general principles, should precede a particular examination of its clauses; in order that the House, having settled the main point, may be better able to adjust the details. If the debate, to which we have listened for so long a time, had conformed to the spirit of this rule, I should not have troubled the committee with the few remarks that I propose to submit. But it has not; and this deviation explains the singular and one-sided condition of the debate, presenting to the view of the nation a series of attacks upon this bill from every quarter, assailing it wherever a breach was thought to be practicable, whilst the garrison within preserved a stubborn and ominous silence. That the bill may have suffered in the estimation of the people, and even of the members of this committee, by the fact of its friends (with the exception of the committee who reported it) refraining from stepping forward in its defence, is not improbable; but if the debate had been confined to what is properly the general principle of the bill, it would not have been difficult to muster a force sufficient to establish that general principle triumphantly. It purports to be a bill to reduce the revenue to the wants of the Government. This is its main object. A secondary one is to "otherwise alter the duties upon imports," so as to make our tariff more conformable to the present condition of things. But this last object can only be inquired into by adjusting an immense mass of details; and it is in this confused heap of yards and pounds, and per centages, that gentlemen have been searching for some general principle, when no such thing can be found, as the subject is now placed before the House. If the question were "shall this bill pass?" and the committee had previously determined that all these details should stand, then indeed it would be easy to extract the essential spirit of the bill,

and examine it by any alembic that might be thought applicable. But the committee have yet to pass through the investigation of all these minutiæ. If a child were learning A, it would be thought strange to thrust upon him the acquisition of all the other letters of the alphabet at once. Whilst the investigation of the details of the bill is, as yet, nothing more than a distant prospect ahead, we find our attention constantly drawn to every part of it in succession, at the imminent hazard of this accumulated information being all forgotten, when the time shall arrive at which it might be useful. During our last session, we passed a bill to reduce the revenue; but found, after we ceased to work at it, that it was insufficient to answer our purposes, because its effect would be to create more revenue than sound policy would justify us in collecting. It became manifest that, owing to the amendments engrafted upon the original bill as it passed through the Committee of the Whole, and which were added to give further protection to this or that species of manufacture, the amount of money that would flow into the treasury would not fall short of eighteen millions of dollars from imports alone, and the general principle of this bill is, "shall the revenue be reduced to a sum proportioned to the expenses of the Government?" the affirmative of which proposition few would deny. A few years ago a theory was partially broached, that the Federal Government should intentionally raise more money than its ordinary expenditures require, that it might have a fund upon which to draw for donations for various purposes. But the opinion of the people was soon found to be unfavorable to this doctrine; and now no party maintains it. From the moment, therefore, of passing the act of 1832, it became apparent that it must be reviewed; and the precise point of time when this review should take place, could be a matter of small moment, except that the permanent adjustment of the tariff is so desirable to all interests and classes of men, that every consideration of justice and policy concurs in recommending its speedy accomplishment. The proper question now before us is merely "shall we now undertake this review?" after deciding which in the affirmative, every section, line, and letter of the bill will be brought under our view, and will of course be open to amendment. If these amendments are rejected when offered, or are not satisfactory when adopted, then will arise the proper question, whether the bill is, upon the whole, a proper bill, and ought to pass. But the only inquiry is now, whether we will look into the subject at all.

I have been surprised that the most strenuous opposition to reviewing the tariff is made by those members of the House whose votes are recorded against the act of the last session. One would have thought a law which was so objectionable as to receive the hearty condemnation of these gentlemen both by voice and vote, would have been repealed by them at the earliest opportunity, and yet, when a proposition is made to reconsider and review it, they instantly take shelter under its protection, and insist upon its remaining the permanent law of the land. Have they changed their opinions with regard to it? Or if not, how can they reconcile what appears to me an irreconcilable inconsistency, of desiring a bad law to remain upon the statute book? No interests have been built up, no capital invested, no durable arrangement of labor taken place as yet under the act of 1832, and it may therefore be reviewed without meeting with those serious difficulties that oppose us when about to change a law which has been in force for years. But it is said that it would be better to suffer this bad law to remain, than to incur the hazard of having a worse one. Are we not, sir, the same members identically who enacted the other law? and what reason can be given for the apprehension that a worse law will be the result of our deliberations, any more than the existence of a hope that we shall pass a better one? The members of this Congress studied the subject of the tariff for nearly six months last winter, and have renewed their attention now. How unreasonable is it to expect that a body of men will ever assemble here, who have devoted more time to the investigation of this complicated subject. One of the gentlemen from Massachusetts [Mr. CHOATE] assumed the position that an equitable tariff might possibly be made, which would satisfy the reasonable men of all parties, and contended that this result could only be the work of patient research, laborious investigation, and cool judgment; and yet protested against this Congress undertaking it, who have bestowed more time and attention upon the subject than any future Congress can be expected to give. I dissent from the opinion expressed by that gentleman, that such a tariff could be produced by a single effort, however much preparatory labor had been expended upon it. I think that it can only be the result of repeated efforts; and therefore it is that I am willing to try again. Gentlemen object to this bill, but do they forget the course of the bill of the last session? We set out with one intended to raise a revenue of twelve millions, and ended with one producing eighteen millions. I voted against many of the amendments as they were successfully engrafted upon it in its passage through the Committee of the Whole, but was in a minority. But I cannot see how those who were the most zealous supporters of those amendments, and who carried a majority of the House with them, should now be afraid to trust that majority. There is, indeed, one consideration which was rather hinted at than argued, by the gentleman from Connecticut, who opened this debate, [Mr. HUNTINGTON,] who said that "he was not insensible of the weight of Executive recommendations in this House." If he means to say that the President is exerting the influence of his station to conciliate the jarring and sectional divisions that now unhappily prevail, and that have made discord where there formerly was harmony, I agree with him in the fact, and will further express my belief that the people of this country will sustain him in this effort. This Congress may or may not respond to his sentiments; but the irresistible power which shapes and directs the course of this Government in all its concerns, I mean the calm and disinterested voice of public opinion, will array itself upon the side of "moderate and healing councils," and compel its decision to be respected. But, in the mean time, differences of opinion are passing into acrimonious strife; the breach between the two grand divisions of the country is becoming wider and wider, and the difficulty of a final adjustment of this fiercely contested question is enhanced as each Congress leaves it as a legacy to its successor. I am disposed to review our legislation. Those who think that the act of 1832 is the last effort that ought to be made on the part of the Federal Government, who are content to see a surplus revenue of six millions of dollars flow into the treasury forever, or who anticipate more knowledge, better feeling, and greater tranquillity in legislation, on the part of the succeeding Congress, with less acerbity in the public mind to be encountered, do well to postpone the present consideration of the subject. What aspect this bill will wear when it issues from the Committee of the Whole, whether it will experience the fate of its predecessor of last year, and be so altered, that, like Anson's ship, after her voyage round the world, scarcely a stick of the original timber remained in consequence of its repeated patchings; or whether it will wear the appearance that the Committee of Ways and Means have given it, no one can foresee. The gentleman from Connecticut, [Mr. YOUNG,] who has just taken his seat, has expatiated upon the destruction it would bring upon the woollen and cotton factories, and has argued arithmetically upon the condition of those establishments. I think there is a vitious principle in the whole of our legislation upon the subject of woollens; I

say vitious, because it does not accomplish the end in view. In the discussion of the last tariff, we first fixed upon a duty to be put upon raw wool, for the purpose of protecting the wool grower; and then proceeded to assess the duty upon the manufactured article by the argument and calculation of the gentleman from Massachusetts, [Mr. Davis,] raising it so as to correspond exactly with the duty upon wool; for, said he "the manufacturer will have to pay an enhanced price on his raw material, and must therefore have additional protection." So that, after having protected the wool grower, we next proceeded to render the manufacturer entirely independent of him, by putting it in his power to import his wool, and regulate the duty for the express purpose of enabling him to import it. We place the grower of wool entirely at the mercy of the manufacturer, (an antagonist interest,) and then tell him that he is well protected. Sir, is there any philosophy in this legislation? In practice it works exactly as might be supposed. The manufacturer having the growth of the raw material entirely at his command, can beat him down to whatever price he chooses to give. Hence it is, that, upon recurring to the statistical tables upon our desks, during the last year of which we have any returns, nearly seven millions of pounds of raw wool were imported, paying a duty of upwards of two hundred and seventy thousand dollars. I should like to show this to one of our farmers, and ask him how he relishes such protection. But it may be said that the price of wool is enhanced by it, because, if the domestic seller will consent to take a little less than the cost of importation, he will be sure of a market. The argument is specious, and deserves a moment's consideration. When the proprietor of any article is more anxious to sell than the purchaser is to buy, depreciation is the necessary consequence. The farmers are detached from each other, and have little opportunity of judging how much it costs to purchase wool abroad, and pay its freight home. He is offered a price, and he has no means of comparison between this price and the cost of the foreign article. All that he knows is, that the foreign article can be imported to advantage under our laws, and that if he does not sell it at less than this cost, whatever it may be, he will lose the sale altogether. The purchaser can turn his back upon him and look abroad for a supply, and our laws put it in his power to do so. But a convincing proof that our present system of legislation is of no service to the wool grower, is found in the fact, that (except in the year 1831, in which a speculation took place in wool, temporarily raising its price,) the price has not increased since the act of 1828. Its average value has remained the same as it was prior to that law. The gentleman from Massachusetts [Mr. Appleton] declared in his speech that he had always felt himself authorized to say, on behalf of the manufacturers of woollens, that a clear duty of 25 per cent. ad valorem would be a sufficient protection, provided wool was made free. For one, I would at once close with his suggestion, and adopt it; and I would myself make the proposition, if there was any chance of carrying it. But I fear there is none. I thought in 1828, and I think still, that the substantial interests of the wool growers would be promoted by the adoption of a policy which would build up the manufacturing establishments in the first instance, and when they had struck the roots of their prosperity deep into the soil, to look forward either to the competition amongst them, or to subsequent encouragement, for the producers of the raw material. But the effort to build up two rival, and, in some respects, hostile interests simultaneously, involves too much contradiction to be successful. If either one of them had been strong, you might have burdened it for the advancement of the weaker; but where both are weak, it is almost impossible to foster both at once.

It may be thought that these views upon the propriety of introducing the raw material from a foreign country, free of duty, are inconsistent with opinions expressed a few days since, adverse to the importation of fossil salt from Liverpool. But the difference is clear between the two cases. I stated then that the gravamen of the complaint was, the encouragement of British shipping, owing to their enjoyment of a trade in which our vessels are not allowed to participate. Coming to Nova Scotia for timber, they can bring this article at a low freight, as otherwise they would come in ballast. If the American shipping could enter upon the competition upon equal terms, it might perhaps be conformable to my doctrine about wool, that the manufactories of this salt should be scattered over the Atlantic coast, and the raw material admitted free. But waiving for the present all other considerations, it is sufficient to rest the point upon the advantage afforded to British shipping and the consequent injury of our own. Our vessels from the Middle States go to the Southward for a cargo of cotton, which they take to Europe, and bring back in exchange foreign manufactures: but as the return cargo is not so bulky as the outward, and the surplus space cannot now, as heretofore, be filled up with salt, they must either lose a portion of freight, or charge more upon the transportation of the outward cargo, neither of which is desirable. In passing over this subject, I will refer to a statement which I have obtained from the records of the treasury, upon which the gentleman from Maine may ruminate until we arrive at the salt part of the bill. It appears that, during the year ending on the 30th September, 1832, the importation of salt into the district of Passamaquoddy, which includes all that part of Maine into which this fossil salt is brought, amounted to 9,781¾ tons, valued at $17,078 11, and that the item of tonnage stands thus:

		Tons.
American - -	Entered,	3,553
	Departed,	4,222
Foreign - -	Entered,	63,356
	Departed,	63,274

The very recital of this disproportion is enough to create astonishment. A gentleman near me says, "the West India trade." Not so, sir. I have examined the original returns made by the collector, of all the articles imported into the district, and will show to the House, when the proper time arrives, from the nature of the importations, that this redundance of British shipping is not owing to the West India trade. On the contrary, the arrangement of that trade, as settled by this administration, has been held unjustly responsible for the sin of the fossil salt duty.

The gentleman from Connecticut, who has just addressed the committee, [Mr. Young,] deplored also the consequences that would fall upon the cotton spinners, by the smallness of the duty proposed to be levied upon cotton yarn or cotton twist. Upon this point, I hope that his complaints are premature, and that the committee will arrange this duty differently when we come to that part of the bill. I am inclined to think that it can be changed for the better.

There is now lying before me the latest Liverpool price current, by which it appears that the price of cotton is as follows:

Sea island - - - -	11½d	to 20d
Stained - - - -	6½	10
Bowed, Georgia - - -	6⅞	7¾
Mobile - - - -	6⅞	7½
Alabama - - - -	6¼	7¼
Surat - - - -	4¾	6
Bengal - - - -	5	5½

The price of the East India cotton is generally in proportion to the above rates. I confess I cannot see why the Committee of Ways and Means should have made a distinction between the duty upon cotton yarn and cotton

goods, making the former less than the latter; nor can I acquiesce in its propriety. The yarn spun from the East India cotton is, of course, an inferior article, and the cotton mills of our country are not calculated to spin it, and cannot do it without an entire alteration of their machinery. This yarn, therefore, should be kept out of the country, because it is too unreasonable to require the cotton mills to revolutionize their spinning apparatus. And besides, it is better to consume our own cotton, under every view of the subject. This is one of the cases in which I should hold it unwise to introduce the raw material of another country. Gentlemen may call it a solitary exception or a special exception, or what they choose; but an exception it ought to be made. I will also join the gentleman from Connecticut in keeping out fabrics made of this East India cotton, in some advisable mode; whether this can be best done by the adoption of the minimum principle, put just high enough to act upon articles made of East India cotton, will best appear when we examine minutely that part of the bill. With regard to the other coarse cottons, our documents show that they have successfully encountered the competition of British cottons in the markets of Mexico and South America; and the gentleman from Massachusetts [Mr. APPLETON] declared, if I understood him correctly, that the great Waltham factory always had orders for goods three months ahead, intended for exportation. In and near Baltimore, about two millions of yards of cotton goods are manufactured, and from four to five millions are received from the Eastward annually, a large proportion of which, perhaps one-half, is exported. The continuance of the practice of exportation indicates that the merchants do not lose by the operation; and surely no good reason can be assigned why this competition with the rival factories of England could not be as successfully maintained at Charleston or Savannah as at Mexico or Valparaiso. It will scarcely be said that the intelligence of the inhabitants of the former places is not sufficient to enable them to distinguish between a superior and inferior article. The advantages of the tariff system are many to those places where the manufactories are situated. It keeps money at home, encourages industry, and affords a market for agricultural produce. But I have never been able to perceive any advantage that the Southern States derive from it. If it be said that they are supplied with cheaper and better goods than they could import from foreign countries, then they would voluntarily keep them without being coerced to take them. The only plausible argument is, that the general consumption of cotton goods throughout the nation is increased, and the sale of cotton thereby extended. This may be, but the extent of the benefit is the subject of conjecture, not calculation.

But it is said, Mr. Chairman, that Congress ought to suspend its action upon the tariff, on account of the position of South Carolina, and not be driven by fear into a change in its legislation. Fear! sir. Fear of what? Are our lives, or liberties, or property endangered? Can no other motive be found than this miserable and contemptible one of fear? For one, I repel and scorn it. I have observed, sir, through life, that brave men are always the last to attribute fear to another. Not conscious of the influence of the motive themselves, they are not aware of its power over others, and, being unable to estimate its force, are not apt to make the charge. Gentlemen mistake the feeling that they mean to appeal to. Pride, sir, pride might do much to induce us to withhold legislation for the present; and of the influence of this feeling, I confess that I have not myself been entirely destitute. Reflection, however, has subdued it. With South Carolina we shall have to deal hereafter. When the proper committee of the House shall report upon that matter, I shall be found ready to support such measures as I may judge necessary for the enforcement of the revenue laws. I shall do it, sir, more in sorrow than in anger; but a sense of stern and inexorable duty will compel me to do it. But at present my business is not with her. I am dealing with the other Southern States. No one could have watched the course pursued by those States during the past six months without intense anxiety. The question of tariff or anti-tariff is often, much too often, made to turn in this House upon the distinction between free and slave labor. Whenever that position is taken, it ties another knot in the ligament that binds the South together, and preserves the distinction which at some day or other will be most apt to dissolve this confederacy. If it were not such a frequent occurrence to go into a Committee of the Whole on the state of the Union, the very term ought to induce caution and forbearance upon this topic. The spirit of compromise that prevailed with our fathers when the constitution was adopted, has, in some measure, evaporated in these our days; and it might be doubted whether such a compromise as exists, with regard to representation in this House, could be now obtained. All the feelings of the Southern States were as much opposed to the tariff as South Carolina; but they have arrayed themselves on the side of the Federal Government, and for that I feel grateful to them. I listened, however, with pain to the declaration of the gentleman from Georgia, [Mr. WILDE,] that he would not assist in the passage of any law for the collection of the revenue, until this tariff bill was passed.

For one, sir, I have no hesitation in saying that if that opinion were entertained by a majority of the members from the Southern States, I would cease action upon this bill instantly. I would plant my foot firmly, and not move another step, no, not an inch. But it is because I believe that such is not their opinion, that I am willing to proceed. At the first moment that a test vote shall be taken in this House, by which the opinion of members can be ascertained, if it should turn out to be contrary to my present expectation, my course is taken, and I will not swerve from it. South Carolina has placed herself, as I conceive, in what tacticians call a false position. I believe that the theory of nullification is erroneous, and cannot stand against the constitutional legislation of Congress. It rests for support upon this—that the legislation now existing is the entire exercise of the powers of the Federal Government. If the whole population of a State, acting through its courts and juries, should determine that every case shall be decided, whether in law or fact, so that the verdict of the jury or judgment of the court shall be against the revenue laws, no matter how their constitutionality may be drawn into question, it is impossible to carry those laws into effect as long as the State courts shall exercise concurrent jurisdiction with the courts of the United States, and refuse an appeal to be carried up to the latter. But it seems to me that these are dormant powers existing in the Federal Government under the constitution, by which it can give its own courts exclusive jurisdiction over matters relating to the revenue. This is then the point now at issue. This subject however will come up hereafter, and will doubtless receive a more extended discussion. But I cannot refrain from remarking upon an occurrence in our history, which shows how early and firmly our revolutionary ancestors exercised power, speaking in behalf of the nation. The circumstance was brought to my notice in examining what we call the old claims for French spoliations. On the 6th February, 1778, the Congress of the United States concluded a treaty of alliance with France, guarantying to her perpetually the possession of her West India islands. At the same time when this treaty was signed, Congress had absolutely no power at all, except a revolutionary authority depending upon voluntary obedience. The articles of confederation were not signed until four months afterwards, and yet this Congress plunged the nation into an agreement, which the treaty-making power of the present constitution would

never venture to assume. And yet, when the obligations of this guaranty became oppressive, no one ever thought of disputing the authority by which the encumbrance was assumed. In the correspondence between Jefferson (whilst Secretary of State) and Hammond, the former distinctly took the ground that foreign nations were supposed to have a knowledge of the powers of the Federal Government; and yet the same officer never thought of questioning the authority under which the treaty of 1778 was made, although he was, in my opinion, more embarrassed in conducting the correspondence to which that treaty gave rise, than in any other period of his life. That the treaty-making power is more extensive under the present constitution, than it was under the confederacy, must be admitted by all; and yet, if the theory of nullification be true, all the obligations incurred with nations having commercial treaties of reciprocity with us, may be rendered nugatory by the action of a single State.

But, Mr. Chairman, I will not suffer myself to stray into the discussion of matters foreign, in a great measure, to the subject now under deliberation. I think that it is time to take the preliminary question upon the bill before the committee, and will no longer be an obstacle in the way of such a desirable event.

Mr. H. having concluded,

Mr. W. B. SHEPARD moved that the committee rise. The motion was carried: Yeas 77, nays 71.

The committee rose accordingly at a quarter past 6 o'clock.

A motion being made for adjournment,

Mr. WHITE, of New York, demanded the yeas and nays. They were taken, and stood as follows: Yeas 85, nays 75. So the House adjourned.

TUESDAY, JANUARY 29.

ESTIMATED REVENUE.

The resolution moved by Mr. APPLETON, and under discussion yesterday, coming up to-day, and the question being taken on the motion of Mr. CLAY, of Alabama, to lay the resolution on the table, it was negatived: Yeas 53, nays 71.

Mr. APPLETON then said that it had been with extreme surprise that he had discovered that any disposition existed to lay these resolutions on the table. Nor could this be the case, as it seemed to him, unless the nature and object of the resolution had been misunderstood. The whole object of the bill at present before Congress was to reduce the revenue to the expenditures of Government. That was the only ground on which the bill had been brought forward. Now the first of the resolutions he had offered pursued the very words of the Secretary of the Treasury in his report, in which the Secretary declared that, taking the average importations of the last six years, the revenue under the existing law of 14th July last might be estimated at eighteen millions of dollars. Now, Mr. A. said that there was no process of calculation by which he was able to make the average more than fifteen millions. His object was to ascertain by what process of calculation the Secretary of the Treasury came to the result of $18,000,000. When gentlemen voted against such an inquiry, the natural inference would seem to be, that they feared the Secretary had been in the wrong, and were afraid to examine. He would in a few words present to the House the process of calculation by which he had arrived at the conclusion he had stated.

The average gross amount of foreign imports for the last six years, including 1832, is $86,200,000, from which, deducting $20,000,000, the average amount of foreign goods exported, $66,200,000, remains as the nett amount of foreign goods imported, on which the revenue is to be levied. Now, the table annexed to the report of the Committee of Ways and Means gives 23 2-3 per cent. as the average rate of the duty on the entire importation of foreign goods under the act of July 14, 1832, including free goods, taking the imports of 1831 as the basis of calculation. Applying this rule to the nett import of $66,200,000, the amount of revenue will be $15,660,000, from which is to be deducted more than $1,000,000, for expenses of collection, and $300,000 for a reduction on wines after the 3d of March, 1834, the permanent nett revenue will be $14,360,000; and even this is too high, according to the average assumed by the Secretary of the Treasury, because the committee have founded their average rate at 23 2-3 per cent. upon the importations of 1831, which contained an amount altogether greater than the average of six years, of wool, woollens, and cottons, paying duties much above the average; and after taking into the estimate about two millions of extra importation of worsted stuffs, the result will be a reduction of the average rate of duty from 23.66 per cent. to 22.44; and thus rendering the nett revenue $800,000 further, to $13,560,000. Then, sir, I try another process. So late as the 4th June last, the Secretary of the Treasury furnished us a table of the revenue which would accrue under the bill reported by the chairman of the Committee on Manufactures, taking the import of 1830 as the basis of importation. That import was $70,876,000, or, deducting exports of foreign goods, $14,387,000, gives $56,489,000 as the nett amount of foreign imports for that year, and the nett revenue on those imports was ascertained to be $12,763,000. The bill of the 14th of July reduced the duties on silks, linens, tea, and coffee, a million of dollars below those calculated in that table, or, allowing for debentures, $800,000, leaving the nett revenue, on the basis of the import of 1830, something below $12,000,000. Now, if $56,489,000, the nett import of 1830, gives $12,000,000, $66,200,000, the nett average import of six years, will give $14,100,000 as the nett revenue arising from the basis assumed by the Secretary of the Treasury; subject, however, to the reduction of $300,000 for the reduced duty on wines after March, 1834, leaving $13,800,000 as the actual revenue, instead of the $18,000,000 of the Secretary of the Treasury.

Mr. A. asked whether any gentleman could show a result different from this. Mr. A. did not, indeed, see how the amount could rise even so high as fifteen millions, admitting the basis taken by the Secretary to be a correct one. It was true, indeed, that the Committee of Ways and Means had assumed as their basis that the imports would amount to 100 millions. But this was too monstrous an assumption to need refutation. The year from the 1st of April, 1831, to the 1st of April, 1833, was one of monstrous overtrade, and swelled enormously the official imports of 1831 and 1832. Mr. A. had obtained from the treasury quarterly returns of the last two years, (which were not before the House.)

As to the second resolution, whoever would turn to the message of the President of the United States, and especially to the report of the Secretary of the Treasury at the commencement of this session, would find the fact put forward, that the Secretary of the Treasury had at the last session recommended a reduction of the duties to the amount of the expenditures of the Government, and that the failure of Congress to meet those recommendations furnished the ground and occasion for further reduction; and yet, to my utter astonishment, as I stated on a former occasion in Committee of the Whole, I find, by accurate calculation, that the reductions on the articles of low woollens, stuffs, silks, linens, coffee, tea, and wines, amount to $3,377,026; whilst the additions on the articles of wool, woollens, including flannels and carpetings, sewing silks, indigo, and salt, amount to $2,322,289; leaving the actual reductions made by the bill of the 14th July, 1832, $1,054,737 greater than those proposed by the Secretary of the Treasury in his bill communicated to this House.

These two facts seem to me to lie at the very foundation of the question of acting upon the tariff at all. If my statements are correct, there is not the slightest pretext for reducing the revenue at all. If they are not correct, I wish to be corrected. The refusal to apply to the proper quarter for information would seem to imply that the friends of the administration have no confidence in the general statements of the Secretary of the Treasury, that the matter will not bear examining. These returns went to show a difference of nine millions in the last quarter, ending the 30th of September last, compared with the corresponding quarter of 1831, and five millions in the previous quarter; and every gentleman acquainted with the actual state of the trade and commerce of the country, knows very well that a reduced importation continues, and must continue for a long time to come; so that the average of $86,200,000 for several years to come must be considered a full, if not a high estimate.

As to the estimates of the Committee of Ways and Means, as another proof of the incorrectness of those estimates, they had assumed the average of debentures, and expenses of collection, at 20 per cent. on the gross amount of duties. Mr. A. denied this to be the true average; and if it were, it was no rule on which to calculate for the future; for there was no necessary ratio between debentures and imposts. The only case in which it had been applied under the existing rates of duties, was to be found in the estimate of the 4th of June, (Doc. 264,) in which the gross revenue is stated to be $16,738,037; the debentures, bounties, and expenses of collection, $3,975,000; being 24 per cent. instead of 20, as asserted by the committee.

Mr. CLAY said he had moved to lay the resolutions on the table, because he thought that all the objects of the resolutions could be obtained from the Secretary's report, and on looking into that report he found he was not mistaken. He should send a portion of the report to the Clerk's table to be read, which would show this. But he wished to know why the offering of these resolutions had been kept until now. The report of the Secretary had been before the House since the 5th of December. Could not the gentleman have discovered the supposed error of the Secretary before this time?

The inquiry would have come with a much better grace from the gentleman, if he had brought it forward before the present bill had been for weeks before the House. He could conceive no motive for such a procedure, unless it was a desire to consume time and to delay action. Should the call be agreed to, then the House would be told that they must not act until it had been answered.

Mr. C. was against every thing of this sort, and he protested against them. The Secretary had told the gentleman what his data were. If he should now send a new calculation, some other gentleman would probably find some error in that; and then there must be a new call; and where is the business to end? Mr. C. concluded by moving to postpone the consideration of the resolutions until the 2d day of March next.

Mr. APPLETON said that he might sooner have offered the resolutions had he sooner made, most unexpectedly, the discovery on which they were founded. As to what the gentleman had caused to be read at the Clerk's table, it was the very clause to which he had himself referred; that clause gave the result to which the Secretary came; but it gave no grounds on which the conclusion was founded. What Mr. A. wanted to know was, how the Secretary came to such a result.

Mr. CAMBRELENG said he had voted to lay the resolutions upon the table; but it was not from any want of courtesy towards the gentleman from Massachusetts, but the House was passing resolution after resolution, to call upon the Secretary for information, which every member had as much in his own power as the Secretary.

Mr. C. had listened to the very ingenious calculations of the gentleman; and he placed about as much reliance upon them as upon the estimates from the Committee of Ways and Means, and no more. The gentleman would have the House to believe that they had last year reduced the revenue, not by three millions—nor five millions—but ten millions! Could any one want any data to discover the folly and falsity of such a calculation? Such calculations showed a want of tact, a want of knowing how to arrive at just results. Should the gentleman obtain the information he sought, still he must pardon Mr. C. if he refused to believe that the revenue had been reduced nine or ten millions. Without going into any details of calculation, he was disposed to believe that the estimates of the Secretary were made with as much accuracy as any estimates could be expected to be made. Mr. C. however, was for rejecting all their arithmetical calculations—he placed no reliance upon them. However, as a mere question of curiosity, he would not refuse the inquiry: but the answer would come after the bill had been acted upon.

Mr. APPLETON replied, that he asked no vote from the gentleman from New York on courtesy; he desired no gentleman's vote on any such ground. The gentleman had said, he would place no reliance on his [Mr. A.'s] calculations. When the gentleman had said this, Mr. A. thought the gentleman was coming out with a counter statement—a counter calculation. But no such thing had appeared. Now it was said, and said truly, that "figures could not lie." And Mr. A. was willing to put his own calculations against the gentleman's. But since the gentleman had chosen to put his own calculations in competition with Mr. A.'s, he would say, that in all the calculations which had come either from the Committee of Ways and Means, or the Secretary of the Treasury, he had found nothing that would compare with the gentleman's assertion that the protected articles amounted to fifty millions!

Mr. CAMBRELENG said, that if the gentleman would take as much pains on the subject of tonnage—

Here Mr. CLAY called to order. Gentlemen were referring to matters which had no relation to the resolutions.

Mr. CAMBRELENG resumed. The gentleman had said that figures never lied. But Mr. C. had put the lie on all those which contradicted the statements from the treasury. But it was not true that figures never lied. It was an old adage, that in matters of finance figures did not tell truth. When the gentleman undertook to correct his calculations, he hoped the gentleman would furnish a little information on the subject of the domestic and foreign tonnage of this country: a subject far more important than that involved in the gentleman's resolutions.

The question was now put on Mr. CLAY's motion to postpone, and decided by yeas and nays: Yeas 78, nays 82.

So the House refused to postpone.

Mr. VERPLANCK now moved for the orders of the day.

Mr. E. EVERETT hoped the gentleman would defer this motion until the question should be taken on the matter which the House had just refused to postpone.

Mr. VERPLANCK declining,

Mr. DICKSON demanded the yeas and nays on proceeding to the orders of the day. They were taken, and stood—yeas 94, nays 67.

[The resolution was on a subsequent day agreed to without further debate.]

So the House proceeded to the orders of the day, and went into Committee of the Whole on the state of the Union, Mr. WAYNE in the chair, and resumed the consideration of the

TARIFF BILL.

Mr. WILLIAM B. SHEPARD being entitled to the floor, rose to address the committee. He said he had moved last night that the committee should rise, not be-

cause he had any thing to say, that could not be as well said then as now, or that he had not as lief say then as now, but because he had not the physical ability, after a session of six hours, to give coherency to the few ideas with which it was his intention to trouble the committee. I am well aware, said Mr. S., that every gentleman here is desirous of disposing of this tedious subject, without more debate; none can be more tired of it than I am.

Man has been denominated by some enthusiastic admirers of political economy, an animal that makes exchanges; he has here been called a plundering animal; were I permitted to add one to the many definitions which have been given by philosophers of that singular creature, I should say he is an animal that makes tariff speeches. The definition would undoubtedly characterize him, as he is known in the United States, more particularly on this floor—here "*docti indoctique*," we all speak on this subject; I shall, therefore, make no apology to the House for indulging a national propensity—"'tis no sin for a man to labor in his vocation." I am not, however, one of those gentlemen who believe that all knowledge on this subject is derived, like Falstaff's knowledge of the true prince, from instinct; it is to me, viewed in any way I am capable of viewing it, a subject of great difficulty. It is peculiarly at this time a subject of fearful interest, and requiring for its adjustment all this House possesses of intelligence, integrity, and patriotism. Sir, I most solemnly believe the times require each man should speak out, candidly and freely, his real sentiments upon the subject of this protective policy; that a great responsibility rests upon the members of this House, a responsibility which, if we fail now to meet, we basely abandon the high trust committed to our care.

The United States exhibit, at this time, a spectacle hitherto unseen and unknown upon earth; one that, for the credit of humanity, it is to be hoped will never occur again—a people endowed with all that heaven or earth can bestow to make them happy and contented, abounding in every thing essential to prosperity, and even grandeur, among the nations of the world, (if the term is not offensive to some around me;) and yet, amidst all these blessings, we daily hear it proclaimed, in high places, we are on the eve of revolution. A revolution to put down what? Some usurper living on the vitals of the community? Some conqueror revelling in the spoils of vanquished provinces, snatching from wealth its abundance, from penury its pittance, to swell the pride, the pomp, and power of an individual? No, sir! A revolution to put down the power of the majority of the people themselves—a revolution which I can compare to nothing in the history of the madness and folly of mankind, but the infidel fury of the anarchists of France, who desecrated the temple of the only true God, to erect what they called the statue of reason in its stead. The nations of Europe are now contending for self-government: we seem to be getting tired of it: they are contending against the will and dominion of one man; some here complain of the dominion of the many. What, on the other side of the Atlantic, is called by an admiring world the beau ideal of liberty, I have heard on this floor pronounced the perfection of despotism. Such, alas, is the unhappy, the miserable condition of poor human nature!

Whatever may be the final action of Congress upon the subject of the revenue, nothing should be done without caution and deliberation, and after a careful inspection of our commercial, agricultural, and manufacturing situation. Upon our decision of this question rests the prosperity of every man in the community. I look, sir, upon the man, who would dissever these three great interests, indissoluble in their natural affinities, and essential to the prosperity of every great nation, as a mere empiric, a political quack whose nostrums may momentarily infuse vigor into the body politic, but eventually leave it haggard and depressed. And unless the fickle legislation of Congress is to be the reproach of our institutions, and the curse of the people of this country, we ought to place this matter on such a basis, that, hereafter, every man may rest secure, himself and his property, of being under the protection of equal, just, and permanent laws. For, if there is a tyranny more peculiarly hard to bear, more harassing to the spirit, it is that of fluctuating legislation. Its oppression is more severe from being unexpected; no industry can obviate it, no sagacity can foresee it.

When the tariff laws of 1824 and 1828 were under discussion, it was contended, with great force and justice by the anti-tariff party, that all free Governments should interfere as little as possible with the domestic arrangements and industry of its citizens; that all material changes in the policy of a nation, the object of which was the transferring capital from one occupation to another, should be made with great caution, and only on great emergencies. If these propositions are true of such Governments generally, they are still more worthy of attention in a Government like ours, which is of strictly enumerated powers, and dependent for its stability on public opinion—in a Government where the fashion of to-day may be reprobated by to-morrow; and an investment of capital, made under the sanction of the National Legislature, may be prostrated by a fickle legislation, influenced by the whim and caprice of the moment, or the varying policy and interest of rival political parties. It was upon such principles of general reasoning that I am now, and always have been, opposed to the policy of the tariff laws.

I thought such a system ought not to be forced on the country, but that every man should be permitted to follow such pursuits as were most congenial to his habits and disposition. That if by this policy the people advanced more slowly in the accumulation of property, they would be more virtuous, less exposed to the temptations of extraordinary wealth—a state of things but little congenial with plain republican institutions. I thought likewise, that if the policy of protective laws was less doubtful, the tariff of 1828 was ill-judged and inexpedient. It attempted too much; it embraced subjects of opposite characters: while with one hand it gave a bounty, with the other it imposed a tax upon the same thing, showing, as has been correctly observed by the anti-tariff memorial, that there was "an avowed want of information on the subject; it would have been a wiser course to wait until that information was obtained." In fact, sir, the tariff of 1828 was not intended by many of those who assisted in making it, to aid peculiarly any species of manufacture except that of a President; and we are now reaping the bitter fruits of such legislation.

The act, however, has passed; it was imposed on the country for weal or for wo; it has disappointed in some measure the hopes of its friends and the predictions of its enemies; it is recorded among your laws, and no human power can place the country in the same situation it was in prior to its passage.

The question now, however, is not one of laying on, but one of taking off duties; we are inquiring how we shall provide for the present posture of affairs. Our national debt is about to be paid off; we shall have upon our hands a large surplus revenue; how shall we relieve the country from the anticipated danger of this alarming plethora? We are told by some of our statesmen, (I beg pardon of the shades of the illustrious men who once bore that name, I meant some of our politicians,) that the National Legislature cannot be trusted with one dollar more than the bare necessities the stern exigencies of the Government require. Bargain, intrigue, and corruption, we are told, will stalk barefaced and uncovered throughout this hall, unless speedily prevented. I have not yet, sir, lost all confidence in republican institutions; I do not

believe the people of this country are yet sufficiently corrupted to send members to this House base enough, either to barter away their liberty or squander their money; when I do believe it, I shall think representative Governments a mere delusion. I have, however, no objection that gentlemen should estimate their power of resisting temptation by whatever standard they please.

It is impossible at this period to discuss this matter of the tariff exclusively on its own merits; it has become so intermingled with all the political questions of the times, has been the cause of so much excitement, that it is thrust into every question and relation in society. In the few discursive remarks which I intend making on this subject, I hope the committee will pardon me, if, in following the example of others, I talk about that subject most interesting to myself. It may very properly be asked, why this inordinate desire, at this session of Congress, to hurry through the House a bill of such vast importance as this evidently is? The bill of July, 1832, has not yet gone into operation; no man can tell its precise effect upon the revenue of the country. Has that bill been found to deceive its friends in reducing the revenue? I will trouble the committee with a few words in relation to that measure. I am more inclined to do so, because I perceive it is about to be murdered in the womb; and before the final blow is struck, I will do it an act of passing justice. Having voted for that bill, in company with a large majority of my colleagues, and a majority of the Southern delegation, as a bill to reduce the revenue of the Government, and to relieve the people from the pressure of the tariff system, I am surprised to find endeavors very industriously made to circulate a belief, that, so far from alleviating the burdens of the South, they are aggravated by that bill. I saw an article in the Telegraph of this city, published a few days ago, addressed to the people of Georgia, and bearing, among others, the signature of a gentleman on this floor, [Mr. CLAYTON,] containing the following words: "The character of the act of 1832 is distinctly marked. Its diminished credits, its requisition of cash payments, its increase of the value of the pound sterling, its discriminating duties, will show that the burdens imposed upon you are decidedly increased, yet you are told that this act is a concession, 'an effort to moderate the burdens of the South;' that, like the travelled dove, it comes with the olive branch to give you future security. The treacherous kiss of Judas is not more deceptive. A concession with the odious principle of protection retained as the permanent policy of the Government! No, it is no concession; its object is rather to lull you into false security." This paper, although addressed to the people of Georgia, is evidently intended for the whole South, and conveys an imputation upon the intelligence and integrity of every Southern anti-tariff gentleman who voted for the bill of 1832. As one of those individuals, I am not disposed that the slightest taint of inconsistency shall be attached to any vote of mine to gratify any man, any set of men, or any party whatever. Upon the subject of this tariff I have acted upon but one set of principles, and upon those same principles I intend to continue to act.

This is a repetition of a charge contained in an address published by the South Carolina delegation shortly after the close of the last session, and circulated very generally throughout the Southern country. These loving appeals to one's constituents are not generally fair subjects of criticism; they are intended for the partial eye of friendship. Some of those names attached to these statements are, however, so notorious in connexion with this tariff matter, that they carry great weight with them among two-thirds of the people south of the Potomac; it therefore becomes necessary that even small errors, such as great minds inadvertently make, should at once be corrected. It is very idle to say that the tariff bill of 1832 recognised the principle of protection; it recognised it no more and no less than every act for reducing revenue, or raising revenue, has done since the organization of the Government. The allegation, therefore, is merely gratuitous. As regards "diminished credits and cash payments," the impolicy of the existing law was so satisfactorily shown by the memorial of the anti-tariff convention, that I voted to repeal it, in compliance with the unanimous wish, as expressed in in the memorial of the Southern people.

Another source of lamentation is "the increased value of the pound sterling." By the law of 1799, regulating the value of foreign coins, the pound sterling of England was estimated to be worth four dollars and forty-four cents of our currency; owing to the fluctuation in the relative value of gold and silver, its real value had become four dollars and eighty cents. I voted to put it at its true and real value, because I like to call things by their right names; I had, however, a still better reason: when I vote for a bill laying a duty of 10, 15, or 25 per cent., when I assist in publishing to the world that such a duty has been laid, I am desirous of dealing candidly and fairly with the public. I would not assist in granting a boon in the first part of an instrument, and insert a condition in the latter part rendering the grant valueless. To have pursued a different course might have evinced more political cunning, but would not have added much to the reputation of the American Congress; as one of the humblest of its members, I am willing to share the odium of that measure.

The bill of July, however, it is said, makes discriminating duties; it releases luxuries from taxation, and throws the burden of supporting the Government upon the necessaries of life; it oppresses the poor; "this is pitiful, 'tis wondrous pitiful," and, doubtless, has been the foundation of many a moving address and eloquent harangue. It may have been said in the furioso language of the day, that a grinding, cruel, and unrelenting majority of Congress, insensible to the miseries and sufferings of an oppressed people, have had the unprecedented, enormous, and daring effrontery to grant to a high-toned and chivalrous people their tea and coffee without tax. Horrible as this charge seems to be, and alarming as it is to a conscientious man, it is very easy to show that it comes with a very bad grace from the source it does, and, as applicable to the state of things in the South, has little or no foundation. It is difficult, in a country so prosperous as every part of the United States is, to draw a distinction between luxuries and necessaries; in every community, they are merely correlative terms; in rude and savage states of society, necessaries are such articles as sustain existence; as society advances in refinement, what was formerly a luxury becomes a necessary. I would here remark, that the argument of the honorable gentleman near me, [Mr. CHOATE,] that the Southern people, in proportion to their wealth and population, are non-consumers, is literally true.

It is perfectly well known to every gentleman familiar with the domestic arrangements of the mass of the Southern people, that two-thirds of them are clad in their own domestic manufactures: I have known many planters, the owners of large families of slaves, who purchase nothing from the stores but iron, salt, tea, coffee, sugar, and a few other trifling articles of luxury or convenience. Now, is it not more important to these men that they should purchase such articles as tea and coffee cheaply, which are of daily and constant use, than the broadcloths of England? The latter surely are not so essential to their comfort, and the want of them is not depriving them of an article upon which they set much value. They prefer their own domestic manufactures, and I hope the day never will arrive when the loom and the spindle are to be silent around the hearths of our fathers. To me there is no sight more cheering than of a family clad entirely by its own labor. It presents a spectacle of substantial comfort and sturdy independence, not surpassed in any quar-

ter of the globe. I confess I never visit such scenes without returning from them elevated and purified in feeling; I go back in imagination to other times, when the men of homespun were legislating in your halls of Congress, and fighting the battles of the revolution. So long as the Federal Government's tax gatherer does not cross the doors of this worthy class of society, they are independent of its legislation: secure in the "noiseless tenor of their way," they are happy, unmolested by the visions of avarice, or the dreams of ambition. If this distinction between necessaries and luxuries were substantially true, who has any right to complain? If luxuries tend to elevate man in the scale of social existence; if they follow in the march of civilization, and make a part of it, why, in a Government of equals, should not every thing that tends to refine our natures, to smooth the asperities of life, and elevate man in the scale of animated beings, be placed within the reach of the poorest individual in society?

Having disposed of the morality of this matter, let us now look to its logic. I will not take up the tariff bill of 1832, and, comparing it with the act of 1828, ask gentlemen if a reduction of the duties on iron, on cotton goods, on sugar, on woollen cloths, on negro clothing, on blankets, &c., was not a reduction of the duties on the necessaries of life: this would be confuting them by the plain rule of subtraction, a species of argument utterly beneath gentlemen who deal in the sublimities of metaphysics: I will take the rule they themselves have furnished.

The theory which has produced such excitement in one portion of the South against the tariff, and which I presume is believed by all those who condemn the act of 1832, if we include the ultra-tariff men, who, by their associations in that vote, illustrate the truth of the proposition, "that the extremes are sometimes nearer together than the means," is thus expounded by one of its ablest supporters: (Report of Committee of Ways and Means by Mr. McDuffie, February 8, 1832.) "As the restrictions imposed upon the productions of Southern industry are affected by the agency of indirect taxes, the burdens imposed upon the planting States by the protecting system are not very inaccurately measured by the amount of taxes levied upon their productions. And when the inequality of the Government disbursements are added to the inequality of contributions exacted by import duties, it may be confidently affirmed that the burdens imposed upon the planting States by the taxation, prohibition, and disbursements of the Federal Government are more than equal to the amount of taxes levied upon those imports which are obtained in exchange for the three great agricultural staples of cotton, tobacco, and rice. That a duty upon an import is equivalent to the same amount of duty upon the export which has been exchanged for it, is but a self-evident proposition to all who correctly comprehend its import. The planter is as injuriously affected by the one duty as he would be by the other, without any reference whatever to his own consumption."

Here is a direct and unequivocal admission that the consumer of an article, as such, has no interest at all in the duty paid by that article; it is therefore of no importance to him whether the duty is ten, fifteen, or thirty per centum, nor from what article the revenue is collected. Now, if this proposition is true, and I admit its truth for the present occasion, the growers of rice, cotton, and tobacco, which articles constitute two-thirds of the American productions exchanged for foreign goods, pay two-thirds of the gross amount of duties charged on foreign importations, or, as has been estimated, forty per cent., a per cent. somewhat below the true amount. Let us apply this rule to the reduction of duties by the tariff of 1832, to ascertain the relief yielded to the rice, cotton, and tobacco men. If the reduction of the revenue by the bill of July, 1832, amounted to $5,187,078, as was estimated by the Treasury Department, the relief to those individuals, exclusively, was $2,074,831. Is this no relief to this class of society? They must know otherwise if they honestly believe they bear so large a share of the burden: and if we take into consideration the small class of individuals, even in the South, directly interested in the production of these articles, the relief to them under this view of their case, and by that bill, was of vast importance. But, sir, what becomes of this oppression on the poor? Are the poor the growers of rice, cotton, and tobacco? or was it intended as a mere figure of speech, a pathetic appeal?—

Spargere ambiguas voces
In vulgum.

Had I voted against the bill, believing this modern doctrine, I should have felt myself bound, as a consistent man, to have gone home and told my constituents that a proposition was made in Congress to relieve them from two millions of their burdens, which I had rejected with scorn, but that I had brought them the glorious remedy of nullification. I knew the temper of that people too well; I knew they were devotedly attached to the Union of these States, as the last hope of liberty upon earth, and that they were not inclined to jeopard it upon a doubtful point of political economy. Whenever, sir, I persuade the people whom I represent, to resist the laws of this Government, it will be such resistance as freemen should make, with arms in their hands, and not a pettifogging chicanery through the courts.

But, sir, if the bill of 1832 was radically wrong, the same objections apply to the bill on your table; it has also the mark of the beast upon it. This bill does not restore the credit system; it does not restore the false valuation of the pound sterling; it has likewise discriminating duties; it only carries out the principle of the bill of 1832, and reduces the revenue nearer to the wants of the Government. Its discriminating duties are of a more partial character than any bill ever presented to this House; it protects some species of iron (the most oppressive part of the tariff) by a duty of 76 per cent.; while cotton goods, a manufacture nearly acclimated, are protected by a duty of 20 per cent. When, however, the contest is for principle, I will not do any one the injustice to suppose that money will answer, should it amount to thousands; and unless that principle be yielded, nothing has been gained. I do not know how gentlemen will vote on the final passage of this bill; all that I am anxious about is, that if hereafter there should be any charge of inconsistency, it may rest precisely where truth and justice demand.

This act of 1832 was no favorite of mine: I was satisfied it would not answer the purpose for which it was intended, and that it did not extend its own principle sufficient for the occasion. During all the discussion on this subject, I watched the scene with a great deal of anxiety; I was desirous of seeing a deliberate expression of opinion between the two great antagonist principles in the country, "protection and no protection;" or if there were a third principle that would satisfy all parties. I listened in vain for the latter principle; I heard, day after day, speeches upon crude and ill-digested theories, but heard nothing more practicable than the mode of concession proposed in the bill of 1832.

The principle of collecting the revenue of the Government from one set of articles in order to give incidental protection to the manufactures of the country, establishes nothing new in our legislation; it is a doctrine as old as the constitution; and in 1816, when this matter of the tariff first began, it was distinctly admitted by the anti-tariff party. When the tariff of 1816 (the cause of all our wo) was under discussion, Mr. Telfair, of Georgia, a strenuous opposer of that bill, said "he would not deny that, in the imposition of duties for the purpose of revenue, it is wise to select your objects; that while the original intent is secured, the interest of the manufacturer

is regarded as an incidental consideration." It is not, however, necessary to go so far back in our history for a legislative recognition of this principle. The present President of the United States, in his message to this House, of December 8, 1829, said: "Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our productions, are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious and not injurious, it should be gradual and certain." In compliance with this Executive recommendation, the chairman of the Committee of Ways and Means of that day [Mr. McDUFFIE] reported a bill to this House reducing the duty on tea and coffee, which became a law, and which I voted for with great pleasure.

The address of the anti-tariff convention of Southern people, assembled in Philadelphia, in 1831, likewise admits the constitutionality of a tariff for incidental protection. That address, said to have been written by one of the gentlemen who signs this Georgia manifesto against the act of July, 1832, (Mr. Berrien,) contains these words: "They admit the power of Congress (speaking of the opinion of the South) to lay and collect such duties as they may deem necessary for the purposes of revenue, and within these limits so to arrange these duties as incidentally, and to that extent, to give protection to the manufacturer."

It seems to me, if we were to raise a revenue by imposts, it is a matter of but little consequence to the community, generally, upon what articles it is raised. Take, for example, sugar and coffee. Can it make any difference to the consumer of these two articles (I take it for granted he is the only person concerned) whether he pays two and a half cents a pound on sugar, and a half a cent on coffee, or three cents on sugar, and nothing on coffee? I contend it does not; the drinker of a cup of coffee neither feels nor cares upon which of the two articles he pays the duty. It makes, however, a vast difference to a large and valuable interest in the nation; for by one process you injure the sugar planter, without communicating a benefit to any interest whatever. If it really makes any difference to the mass of the community, of such vast magnitude, upon what articles the revenue of the country is raised, I confess I cannot perceive it, and I presume it is only visible to our political metaphysicians, who

> "Have optics keen, full well I ween,
> "To see what is not to be seen."

One assertion, I presume, is as good as another in this matter; I have, therefore, no hesitation in saying that, under all the circumstances of the case, and considering the situation of the country, the act of 1832 was a great and valuable concession of the majority of this House to the alleged grievances of the minority. For if there is a principle which should be held sacred in the legislation of this country, it is, that an interest created by the law should not be wantonly destroyed by the law. If, moreover, the bill of July was not as beneficial to the South as it might have been, it was, in some measure, the fault of the South. The bill, as originally reported, contained a clause giving partial relief to the shipping interest of the country, from the excessive burden laid on that interest by the tariff of 1828: this clause was struck out by Southern votes. It requires, I should suppose, no argument to prove that a free trade people ought to encourage the shipping interest; and if the people of the South are, as we have been told, industriously engaged in manufacturing British woollens out of Southern cotton, they ought, as a reward for their ingenuity, be permitted to carry these articles to market in an untaxed vessel.*

Did I believe it essential to the prosperity or welfare of the Southern States, that the manufactories of the North should be levelled with the dust, it would be an unpleasant duty to vote a benefit to myself which would be the entire ruin of another. A few summers ago, while flying from the demon of ill health, I visited New England. I found her towns and villages crowded with an industrious and enterprising population; her hills and valleys redolent with health, prosperity, and contentment. Every mind seemed to be intent; every hand was occupied. The world does not contain a more flourishing community. There the advantages of education are extended to the poorest individual in society, and that society receives its remuneration in its sober, industrious, and economical habits. If the divine Plato were alive, he would no longer draw upon his imagination for a specimen of a perfect republic; he would there find a community in which the humblest individual had the same voice with his more wealthy neighbor in laying the public burdens for the public welfare. I asked myself if it were possible that the prosperity of this people could be the hot-bed production of an artificial system, or rather if it were not the result of long continued toil, of an industry that never tired, of an economy that never slept. I looked upon the scene around me with no feeling of murmuring discontent; I felt the more rejoiced that it was a part of my country.

"*Homo sum humani nil a me alienum puto*" was said by a freed Roman slave. Those persons who will study the mode of assessing taxes in New England for schools and other purposes, her town meetings, in fact, the whole organization of society in that community, must have a strange misapprehension of things if they can discover any aristocratic principle. They will find, however, an elasticity of character, of facility of adapting their situation to the times, great moral energies which will enable them, should your legislation prostrate them to the earth, to rise, like Antæus, with new vigor from the fall.

It is contended by some of those persons who complain the most of the operation of the General Government, (Mr. McDuffie's speech, May, 1832,) "that it could no longer be disguised that, under the unjust legislation of Congress, and without any agency of Providence, a radical hostility of interests existed between the two great

* This allusion will be unintelligible to those persons who have not attended to the discoveries which have been made in political science within the last three years at Washington. It is very gravely contended in the report of the Committee of Ways and Means, above mentioned, "that whether the duty be laid on the export or the import, it is equally laid, in both cases, upon the production of the planter. There cannot be a more palpable and delusive error than the vulgar notion that imported manufactures, which have been purchased by the agricultural staples of this country, are foreign productions. They are as strictly and exclusively the productions of domestic industry as if they were manufactured in the United States. Looking, then, at the planting and manufacturing States with the eye of an enlightened philosophy, these two great divisions of the Union must be regarded as devoting their capital and labor to the production of the same articles for the very same market. The Southern States manufacture by the agency of ploughs, and hoes, and horses, what the Northern States manufacture by the agency of machinery," &c. The whole ingenuity of this argument consists in confounding the meaning of two very plain words, viz. property and production—an indistinctness of perception, which is occasionally the ruin of many ingenious gentlemen.

subdivisions of this confederacy." Now, sir, I deny that such hostility does exist, or that there is any fair reason for presuming it can be made by any legislation of Congress to exist. The great father of our institutions, foreseeing this state of things, has told us that upon this rock we were likely to split. He has implored us, in his last advice, to resist such an impression; to scout such an idea.

We are daily becoming more and more the same people in our habits, pursuits, and interests; and travellers have already remarked the sameness of American life and manners. The constant and daily communication among our people is wearing away by the friction of social intercourse, the petty prejudices of situation. "Mountains interposed, no longer make enemies of nations." I knew that there was a party in this country dating their origin from the adoption of the constitution, who have always been endeavoring to persuade the people of the different States that they have contrariant interests—a party composed of restless, ambitious spirits, who had "rather be the first man of an Alpine village than the second man at Rome." I did, however, hope that this sect was gradually dwindling into insignificance. I firmly believe the interests of the different sections of this country so dependent on each other, that it is impossible for one part permanently to flourish without communicating its prosperity to those around it: this fact has been satisfactorily attested by the astonishing results of the internal improvement of the country. Who has not heard of a new world brought into existence in the western part of New York by the genius of Clinton? With a mind soaring above the miserable economists of his day, he penetrated the mysteries of nature, dissipated the prejudices of the weak, the fears of the timid, and, like Columbus, opened a new world to the enterprise of his countrymen. Why, then, should I, or any man, wish to cripple the prosperity of two-thirds of this Union with the vain or illusory idea of benefiting the other third?

This question of the tariff has been discussed repeatedly, and very properly as one peculiarly interesting to the South. I will consider it, for a few moments, as it affects that portion of the country. In doing so, I shall consider it entirely as a question of compromise: I have not that contempt for compromise which some gentlemen seem to entertain. If we were legislating for a horde of savages who chased their daily food over the neighboring hills, and, in case of accident, depended upon plunder or the roots of the forest for subsistence, we might despise all compromise; but in legislating for a highly refined and artificial state of society, we should remember that civilization is the result of compromise. Our constitution is itself the result of compromise; and the history of the very clauses under which we are now acting (with which I will not trouble the House) is a strong illustration of its general character.

It is very common, in the political manœuvring of this country, to start a theory, and, by way of giving it currency and enlisting the prejudices of an ardent people, to call it the Southern doctrine. On "argument alone my faith is founded," and I shall support no doctrines and no theories my understanding does not teach me are correct and proper. Although I am opposed to the tariff system in general, I do not think it that "*monstrum horrendum*" some gentlemen seem to suppose it. I neither think it produces the bilious fever at Charleston, nor the yellow fever at New Orleans: it has sins enough of its own to bear; I will not saddle it with those of the imagination.

The great doubt originally entertained upon the capacity of this country to manufacture for itself, caused many persons to oppose the system. It was thought premature; that the country was too young; that we had too much waste land, offering a healthier and better occupation for our population. The experiment has, however, been tried; the country has paid part of the cost of the experiment. It is now admitted that we manufacture some articles as cheap in this country as in any other, and we have been informed by documents laid on our tables, that $250,000,000 are invested in the different manufactories of the country. Can this amount of capital be destroyed in any part of our country without producing distress and embarrassment throughout its wide border? I should suppose no political economist could for a moment doubt upon such a proposition; at all events, I am satisfied it would very seriously affect that section of the country whose interests are confided to my care.

If there are any two sections of this country designed by nature for a close political and commercial union, they are the southern part of the Chesapeake bay, the seacoast of North Carolina, and the New England States. Our earliest colonial history contains the most satisfactory evidence of this connexion; the cheap navigators of the North then formed, and yet form, our principal means of intercourse with the markets of the world; while, at the same time, New England is becoming a great and growing consumer of our products. Of the article of Southern corn, alone, the towns of Boston and Providence consumed, in 1831, 897,793 bushels. Would it not then be madness to destroy this market, without some positive and certain assurance of bettering the condition of the country? As gentlemen tell us, therefore, this is entirely a cent. per cent. question, let the corn planter ask himself if he is not willing to pay a higher duty on broadcloth than on coffee, for a few years, sooner than prostrate his best customer, and drive him to the fertile lands of Michigan and Indiana for a maintenance.

I said that the bill on your table carried out the principle of the act of 1832, and reduced the revenue of the country nearer the wants of the Government. It does so, with a few exceptions. Where those exceptions propose to impose a duty, I shall vote against them. I shall, therefore, vote for the amendment before us, for striking out the duty on tea and coffee. I cannot, in January, vote to put on a duty which, in July preceding, I voted to take off, when no sufficient reason has been assigned for doing so inconsistent an act. Were I to give such a vote, I should in truth suppose I deserved some of the epithets which have been so liberally bestowed upon the Congress of the United States that passed the act of July, 1832. The duty on tea and coffee is likewise a violation of the principle on which the bill is reported, which, if I understand it, is to reduce the revenue to the wants of the Government, committing as little violence as possible to the existing interests of the country. This is the principle contained in the President's annual message, where he says, "the soundest maxims of public policy, and the principles upon which our republican institutions are founded, recommend a better adaptation of the revenue to the expenditure; and they also require that the expenditure should be limited to what, by an economical administration, shall be consistent with the simplicity of the Government, and necessary to an efficient public service. In effecting this adjustment, it is due, in justice to the interests of the different States, and even of the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith

of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will permit."

That the revenue should be reduced to the wants of the Government, is one of those plain and palpable truths which I suppose would be assented to on all sides. In fact, this proposition has been admitted by several gentlemen who are opposed to all the provisions of this bill. I would, therefore, observe to the gentlemen, that, as they have the majority on this floor, if this bill is injudicious they ought to amend it in such a way as to reduce the revenue six millions of dollars, the surplus mentioned by the Secretary of the Treasury, with as little injury as possible to themselves. For it never can be expected that the people of this country will consent to pay more money than is necessary for the ordinary wants of the Government, either for the protection of manufactures, internal improvements, or any other purposes.

And yet, sir, I would not narrow down the Government to a mean and niggardly economy.

That a duty on imports is necessarily a tax on any part of the community, although the converse of the proposition is paradoxical at first sight, I do not think has been satisfactorily maintained. Take, for example, the articles of salt, coffee, and molasses: on these three articles the Congress of the United States have been reducing the duties, with the view of reducing the price of them to the country; and yet such has not been the result. We find that when we took the duty off of salt in this country, the article rose in the West Indies; the truth is, the possession of the American market is so essential to the producers of these articles, that they are obliged to have it at all hazards, and, consequently, whenever Congress lays a heavy duty, their profits are reduced down to the lowest ebb that will sustain the business their situation compels them to follow.

And yet these facts, curious as they appear, are but fallacious grounds for a Government to lay heavy duties; although the consumers of the country, as such, may be but little interested in the matter, the commerce of the country is vitally interested. In proportion as we cultivate an intercourse with those nations, who, by position or by natural advantages in the production of such articles as are necessary for our comfort or pleasure, are disposed to trade with us on fair terms of reciprocity, we promote the general welfare of society, and give a stimulus to the commerce of the country, which, next to agriculture, should be the favorite of the nation. Should it be true, therefore, that the consumer of coffee would be no wise interested, whether there is a duty on it or not, still, the ship owner, who transports the article, the corn planter and the lumber getter, whose productions are exchanged for it, are interested that the trade should be on the most liberal footing. I will not, therefore, as a representative of a portion of this interest, assist in laying a burden on it, not required by the policy of the Government, or essential to its revenue.

I have no doubt, sir, this tariff matter can be adjusted, if we will approach it candidly and fairly, divesting it of its political bearings, without producing injury or showing unjust partiality towards any portion of the country. In laying a revenue duty so as to give incidental protection, let us select those manufactures whose interests are deeply rooted and widely spread throughout the country, viz. cottons, woollens, and sugar.

It is said and admitted here, generally, that we manufacture coarse cottons in this country as cheaply as in any part of the world; the price being less than the duty, the duty, therefore, cannot possibly be a burden on any one. The memorial of the anti-tariff convention says, "the duty is nominal in reference to most goods under fifteen cents, which not only are afforded as cheap by the American manufacturer as the foreign article, but compete with this in foreign markets." Why then disturb it? Is it not the part of wisdom to let well enough alone?

The amount of cotton made in the United States, in the year ending in October, 1831, was 375,925,303 lbs.; in 1819, 87,397,645 lbs. There is now manufactured in this country more than one-fifth of the whole production, about one-third of what Great Britain manufactures at the present time. The manufacture of cotton has increased 100 per cent. in the last four years, an increase greater than ever took place in Great Britain in the same space of time. These facts manifest, beyond all doubt, that this country is well adapted, both by situation and capacity, to sustain such a manufacture, as well as any other country; and, therefore, it deserves the attention of the Legislature. We now produce 150,000,000 lbs. more of cotton than Great Britain consumes, of all sorts. Where is this large surplus to find a purchaser? Shall we prefer to build up the manufactures of all other countries to our own? I think when it is so very convenient and advantageous to ourselves, there is no great sin in permitting charity to begin at home. The cotton manufactured in this country amounts to about 214,882 bales; capital employed, 44,914,984 dollars; annual value, 32,056,760 dollars; aggregate of wages of hands employed, $12,155,723; employing about 50,000 men and women. Does not this benefit the grower of cotton? I have heard it so very vehemently denied, that I am indisposed to hazard any opinion of my own. I will, therefore, quote one that will be respected by all parties. During the summer of 1831, a convention was held in Philadelphia, of persons opposed to the tariff; that convention was composed principally of Southern men; they appointed a committee to draught a memorial to Congress, pointing out the burdens of the tariff laws. That memorial was written by Mr. Gallatin, and, as might be expected, is incomparably the ablest exposition of the evils of the tariff these very prolific times have produced. In it are these words: "Whatever impulse may have been given to the production of American cotton by the domestic manufactures of that material, is therefore a clear gain to the community. This, for the very reason that the amount cannot be calculated with precision, has, undoubtedly, been greatly exaggerated. But it cannot be doubted that the consumption of cotton goods in the United States has, to a certain extent, been increased by the establishment of domestic manufactures, and that the fluctuations of price are lessened by having a greater number of markets; in this case one nearer, and so considerable, even though the aggregate of sales was not materially increased." The cause of the fall of the price of raw cotton is thus accounted for: "The reduction of the price of the raw material was solely due to the increased supply compared with the demand." These admissions of the convention are very ungenerous; they are the "unkindest cuts of all;" the greatest of known rebukes is, "out of thine own mouth I will condemn thee." If, therefore, we are to believe the cotton planters' memorial, and not their advocates on this floor, they are decidedly benefited by the tariff. It is not the least curious part of this matter that, while this House was listening, day after day, to the most pathetic descriptions of the miseries and sufferings of the cotton planters, from the tariff, a memorial was laying on our tables emanating almost exclusively from this interest, admitting themselves benefited.

Let us now examine what claims the article of sugar has to a slow death. When Louisiana was purchased from France, the cultivation of sugar had commenced in that country; common justice requires that we should not unnecessarily cause the planter to regret that he had ever exchanged the yoke of the Spanish or French monarchies for the free government of America.

At the close of the war in 1816, Congress added half a cent to the duty as a part of a general system, which duty has given a great stimulus to the cultivation of sugar in

Louisiana; which country now produces two-thirds of the sugar consumed in the United States. I presume it will not be doubted that the duty is essential to the prosperity of the plantations, and, without it, the cultivation of sugar must cease. The present price of sugar is about five and a half cents per pound in New Orleans: the whole expense of producing sugar, I am informed, is about three and a half cents per pound, leaving about two cents profit to the planter; which two cents are his means to purchase slaves and increase his cultivation. If, therefore, you diminish his profits one half cent, you diminish his capacity to purchase one-fourth. The consumption of sugar in the United States amounts to about 150,000 hogsheads, the crop of Louisiana to about 100,000. An increase, therefore, of one-half the present number of slaves in that country must take place before the domestic consumption of sugar can be supplied. And when we take into consideration the astonishing increase, both in numbers, and the means of consumption of the Northern, Middle, and Western States, it is but fair to suppose that Louisiana will, for many years to come, furnish a market for the surplus slave labor of the South. The present number of slaves in the United States is about 2,153,370, worth $430,674,000; the destruction of the sugar cultivation would, undoubtedly, depress the price of slaves in proportion as the impetus it has hitherto given has increased it, which has been estimated, and I think very moderately, at $50 a head. An enormous depression of the value of property for no conceivable benefit. The bill on the table does not propose to reduce the revenue by it; for it proposes to take a half cent off of sugar, and put a cent a pound on coffee. Now if the revenue is really wanting, why make this absurd exchange? If not, it must share the fate of every thing. There is no State in this Union whose prosperity is so closely interwoven with the welfare of the others, as Louisiana; she is a great consumer for the rest; her labor is drawn from the old Southern States to cultivate her fields; her clothing from the North, and her food from the West. It is worthy attention to remark the gradual reduction in the price of sugar, even under the duty of three cents per pound. During the last twelve years sugar has been gradually declining in price, until it has reached a depression somewhat below half its price in 1819 and 1820; nor is it altogether certain that, if the duty were entirely removed, the consumer would derive any immediate benefit, although ultimately the article would be cheaper. The price of an article is regulated by the proportion of supply to demand; unquestionably, therefore, if the duty were suddenly removed, prudence would dictate to the Louisiana planter to contract immediately his operations, in order to avoid ultimate ruin. Unless, therefore, the reduction of supply at home were relieved by the increase from abroad, the price would rise; which state of things would, at all events, produce great fluctuations in the market. The production of sugar is not like that of cotton or woollen goods; this article is annually produced in a limited section of country, and cannot be increased or diminished at will; the winds and the rains of heaven must be consulted.

If there is any part of the tariff system more peculiarly unjust and indefensible, it is the duty on iron; this is an article absolutely indispensable to every class in society, and yet it is more highly taxed by this bill than any thing else, and without a corresponding benefit. Upon rolled bar iron the duty is seventy-six per cent., on sheet and hoop iron ninety-three per cent. Were I disposed to appeal to the meanest and basest passion that actuates the human mind, the passion of avarice, a passion that regards its personal wants, its personal appetites as every thing, the sufferings of others, the glory and independence of the country as nothing, it would be an easy matter to produce an excitement against this unjust preference of one interest to another. There is no article in the whole catalogue of human wants so essential to man as iron, nor one that so immediately contributes to his wellbeing; its use marks the first step from barbarity to civilization; and yet it is more favored by this bill than any thing else. Why is this? Has Pennsylvania deserved a better fate than any other State in the Union? Did she bring to the South in 1828, "in her utmost need," one solitary vote? No, she went in a solid phalanx for the "bill of abominations." And she is to be spared—the lightning glances over her, illuminates, but never touches her. Happy Pennsylvania, she has thirty electoral votes, and no candidate for the Presidency!

It is said by Mr. Gallatin, that "the iron works of West Pennsylvania were, and still continue to be, protected against foreign iron, and that made within one hundred miles of the seashore, by the expense of transportation, which is still forty dollars a ton." There certainly, then, can be no propriety in taxing so greatly the whole seaboard, from Maine to Louisiana, to sustain a manufacture which cannot flourish under these natural advantages. The mountains of North Carolina are full of iron ore, and yet no reasonable man would think the Government justifiable in placing a duty upon iron, sufficient to compensate the owners of those mines for making railroads and canals to bring their iron to market. Sir, I believe, if the duties on iron and hemp were removed, the much abused tariff of 1832 is preferable to the bill on your table.

It requires, it has been said by an ingenious writer, a great deal of philosophy to observe that which is seen every day; if this were not true, it would be impossible to account for the discrepancy of opinions upon the practical results of this protective system. Every one sees that the country is generally prosperous, for which different causes are assigned. I do not think the prosperity of this country dependent upon the action of the Government, nor is it desirable that it should be. I believe there is an elasticity and vigor in the American character, that will adapt itself to any system the wisdom or folly of this House may adopt. That the tariff compels the consumers of many articles to pay more for them than they otherwise would, is true; but that it produces one-half of the evils or benefits charged to it, is a position that has no existence, except in the heated imaginations of partisans.

It is said, all this may be true; but by some legerdemain not yet explained, although we have heard repeated attempts, the whole burden is thrown upon the South, the tax-paying South. It is extraordinary that any section of the country should claim the peculiar privilege of paying the taxes of the Government; the idea results from a species of egotism, as absurd as that of an astrologer, mentioned I think in the Spectator, who had studied the aspect of the heavens with such intensity of zeal, that he at length believed himself master of the winds, and would very graciously, and with extreme condescension, offer to a friend going a journey, any wind he might have a fancy for. There is, however, we are told, a theory, a self-evident proposition, that explains the matter. It has been said, (report of the Committee of Ways and Means, by Mr. McDuffie,) "as the restrictions imposed upon the productions of the Southern industry are affected by the agency of indirect taxes, the burdens imposed upon the planting States by the protective system are not very inaccurately measured by the amount of taxes levied upon articles exchanged for those productions," or, in other words, a duty on imports is equivalent to a duty upon exports. I regard this as the most pernicious dogma that ever has been started in this country; its direct and inevitable tendency is a destruction of the Union; for if their position be true, collect what amount of revenue you may, whether twelve per cent. or fifty per cent., the greater part of the revenue must be paid by that portion of the country producing articles best adapted to foreign markets.

I will not say, sir, as was said by a gentleman from South

Carolina, [Mr. DAVIS,] during the last session, "He doubted whether any Government, except the State Government, was worth the taxes the people paid for it;" but this I will say, that on these terms, or if this theory is true, the Federal Government never can sustain itself. Could I believe, by the inevitable acts of your legislation, I was made a hewer of wood and a drawer of water for the rest of the Union, I should feel myself degraded were I to come here to debate the matter. I should feel myself impelled by every principle that ever nerved the arm or swelled the bosom of an American freeman, to resist such oppression. I am not therefore, surprised that sections of our country are maddened almost to frenzy under the operation of this doctrine. To have believed it, and borne it so long, is a proof of their great patriotism and most eminent discretion. This theory, however, confines its operation to the growers of rice, cotton, and tobacco; it is of course of no importance to persons not connected with the production of these articles, what the tariff may be; their portion of the burden being thrown upon their more substantial neighbors. I have shown, by an extract from the memorial of the cotton planters, that they conceive themselves benefited by the system in some measure. I shall, therefore, trouble myself no more with the subject, than to make a few remarks upon a corollary that has been drawn from it. We have been told by the same document "that the fairest portion of this great confederacy, and of heaven the most favored region of the earth, is literally undergoing a silent but irresistible process of decay, produced by the gross perversion of the very power which is under the highest of human obligations to prevent it." I admit that the South is not as flourishing as some portions of this confederacy; but I deny that its depression is to be attributed to the action of the General Government, and I am much astonished that any person could overlook the plain and palpable causes there existing, sufficient (without stimulating the natural prejudices of the people against the General Government) to account for all the horrors of even warmer imaginations.

The peculiar character of the emigration alone from the old Southern States, an emigration which carries off both the labor and capital of the country, leaving nothing to supply its place, is sufficient to account for many of our miseries. Does not that labor find the tariff as grinding and oppressive in the Southwest as in either of the Carolinas? Why, then, should it abandon its native soil to waste and desolation, because a fresher and more fertile soil invites it? There are two other causes operating unfavorably on the Southern seaboard; one a moral, the other a physical cause. I will not, however, sir, dilate on this subject; to me it is an unpleasant one. I love the South, with all her misfortunes—I love her, "'tis my own, my native land," "*tecum vivere amem tecum obeam libens*"—it is from the affection I bear her, I am induced to speak thus plainly to her.

There is another cause operating to the serious disadvantage of the best portion of the South, and, I admit, "of heaven the most favored region," if we regard soil, climate and situation: I mean the interior of the Southern country, particularly of North Carolina and Virginia. Why is it that this section is not as flourishing as the interior of New York, and Pennsylvania? The climate is equally, if not more congenial to the constitution of the white man, and the soil is more productive in every thing that can contribute to the prosperity of the people. Why is it that a silence, as of death, pervades their thousand hills, there we find no busy hum of men, no throng of flocks or of herds? It is because the hostility of the South to the improvement of the country leaves every thing to nature. We complain that the revenue of the country is collected at the South, and expended to the North. If this is true, it is our own fault. Is there a proposition to remove a sand bar or deepen a river in any part of this country, that does not encounter a solid phalanx of hostility (with a few exceptions) from the whole Southern delegation on this floor? During the last session, an honorable friend of mine, [Mr. CARSON,] when the annual appropriation bill, for the improvement of the harbors of the country, was before the House, proclaimed it an imposition on the people.

Does any one propose to appropriate a few thousand dollars from an abundant treasury, to open a road through our beautiful interior, that it may communicate with the markets and civilization of the rest of the world, we are immediately told of violated constitutions, and all the slang which has been current on this floor for the last twenty years about State rights, is repeated "*usque ad nauseam.*" It seems as if some gentlemen supposed every thing which was calculated to promote the prosperity, to enlarge the sphere of action of the mass of the people, was a violation of the constitution.

At the last session of Congress, a bill came to this House from the Senate, proposing to settle the policy of our public lands—a bill whose object was to prevent them from being given ultimately to the West—a bill to restore to the old Atlantic States some portion of the treasure they had so liberally spent in purchasing that vast region, and to remunerate them in some measure for the constant drain upon their resources, produced by emigration. Was that bill lost by Southern votes? Let your journals answer.

This Government may spend millions upon millions on its army or its navy; it may pave the road of the Indian beyond the Mississippi with ingots of gold; it may squander the enormous amount of our public lands, to purchase a little personal popularity in the West, and all is well; but if it attempts to spend one dollar of the public treasure for the public welfare, we are told of violated constitutions. Sir, should the South become, in the process of decay, what one portion of it has been threatened with, "a howling wilderness," there is scarcely a monument on its wide border, of the liberality of those who have governed it, to prove to the industrious antiquarian that it had ever been trod by the foot of civilized man. There might be found some barren and blasted fields, as if the sirocco of the desert had passed over it, but there would be no Appian way, resisting the efforts of the barbarian, or the decay of time. I did suppose, when I first entered these walls, something might be done to revive the stagnant and wasting energies of the South; but when I heard what on this floor are proclamed as Southern doctrines and Southern principles, I felt that sickness of the soul which awaits on hope deferred. Perhaps it was the result of a retired life that led me to believe that some higher duty was assigned a member on this floor, than a mere vote for the annual bills to pay the salaries of the Government officers, and it may be folly to suppose that a legislator should be, or could be, a benefactor of mankind. I am, however, satisfied that a new generation of politicians must arise, after the present one has fretted its little hour upon the stage, before the southern part of this Union can derive its full share of the benefits of the liberal institutions of the country.*

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*That the Southern people have lost much in spending their time disputing about the meaning of the constitution, instead of devoting their energies and resources to the improvement of the country, I think must be apparent to every man who will calmly and dispassionately view the whole ground. It is impossible, in this age, for any people to stand still; they must either advance or recede in the scale of importance among nations. The human mind is now so active; so intensely bent on developing all its resources, that those nations which, like Spain, or Portugal, with a blind bigotry, shut out every ray of light, must either relapse into barbarism, the prey of military despot-

It has often been asserted in the two Houses of Congress that the South, in particular, would be a gainer by the system of direct taxation; a false position, which has been too currently circulated through the country, although there has been, during the frequent discussions upon this subject, a very satisfactory refutation of this notion. I take it for granted that the only correct theory is, that the man who buys and consumes an article is the one upon whom the tax, if any exists, ultimately falls. It is said that in Louisiana a plantation producing a crop of cotton worth about ten thousand dollars, consumes, in the production of that crop, about two thousand eight hundred dollars' worth of articles not made on the plantation. Of this consumption, one-fourth, about seven or eight hundred dollars, is of taxed articles. This is a very favorable calculation for all the planters north of Louisiana, particularly for those who make their own pork, as some have told us they do. Let us apply this rule to South Carolina. South Carolina exports about 8,000,000 dollars of produce. All the productive labor, and all the plantations of South Carolina, are occupied in producing this 8,000,000 dollars, one-third of which sum, 2,666,666 dollars, is the amount of articles consumed, and not produced by the plantations, one-fourth of which, viz. 666,666 dollars, are articles upon which the General Government leaves a revenue. Now, supposing the duty constitutes half the price of an article, an extravagant supposition, the enormous burden which is now weighing South Carolina to the dust, and to throw off which she is convulsing this country, and placing in jeopardy all our institutions, is 333,333 dollars.

Should the amount necessary for the support of the Federal Government be levied by direct taxation, and the negroes of the South pay according to the ratio established in the constitution, the proportion of South Carolina would be about 900,000 dollars. I have selected the State of South Carolina to illustrate this proposition, in preference to North Carolina, because, from the nature of the situation of North Carolina, it is impossible to estimate the amount of her exports. Our Southern counties trade to Charleston, and our Northern ones wagon such articles as will afford the transportation over bad roads, to Petersburg and Richmond, where they exchange their produce, not for State money, but for the money of the Union, and a peculiar manufacture, in which the latter town is said to be very skilful, called "State rights;" an article so cunningly contrived that it can be understood only by the makers, and of so little use elsewhere, that it is supposed to be made, like Pindar's razors, exclusively to trade with. Should North Carolina, however, become imbued with the doctrines of the new philosophy, and the taxes of the Government be directly levied, instead of paying her portion of the revenue upon such articles as are consumed within her border, and by the persons who do consume them, to the amount of some three or four hundred thousand dollars, she would be taxed, according to her population, at least a million. Sir, let this Government ever change the present oppressive mode of collecting revenue for its ordinary peace establishment, for the odious system of direct taxation, and it will hear a murmur, to which the present discontent is like "the sweet South wind, breathing o'er a bank of violets."

When I first entered these walls, some three years ago, I did so imbued with the doctrines of the free trade school. I admired them for their liberality, thought them sound in principle, and best adapted to a republic. Disposed to act upon these views, I had hardly taken my seat before I discovered that a great political drama was about to be acted, called "the Tariff;" that the characters were cast, the dresses provided, the speeches in rehearsal, and even the home-made thunder prepared; I found that the old armor of the party was to give place to one more brilliant, more calculated for effect. Seeing this to be the state of things, I very coolly and deliberately took my seat in this very comfortable arm-chair, determined to observe in silence the contest, to see if it would prove a tragedy or a farce. "*Equidem non invideo, miror magis,*" and here I should have sat contented had I not discovered that there was no longer safety in inaction; "there is no great divinity in aye or no!"

There is one point, sir, before I take my seat, that I am desirous of saying a few words upon, with no view of arguing the subject, but simply to express an opinion: I mean the constitutionality of our several revenue acts of 1824-'28-'32. I am the more inclined to do so, because the members of the Legislature of North Carolina lately acted on the subject, and although they forbore to express any opinion themselves, have asserted that a large part of the people believe those laws unconstitutional. I fully coincide with the general scope and tenor of those resolutions, and rejoice that the Legislature of my native State has forborne to lend the sanction of its name to a temporary delusion. And I hope she will continue to pursue that course which honor and which duty points out, treating with contempt the silly jests and scoffs of idle babblers and stump orators, come they whence they may, or be they whom they may. It is with great diffidence that at any time I would differ from a large portion of the people upon a mere constitutional question, but the construction of the constitution upon this subject has so long been settled by the concurrent sanction of every President, the vast majority of the people, and of the

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ism, or sink into insignificance. The desire manifested by many, of increasing the hostility to the improvement of the country, by connecting it with the tariff, is unjust, and an unstatesmanlike view of the subject. There is necessarily no more natural connexion between the tariff and internal improvement, than any other modes of policy which produce great national benefits. With as much propriety may it be said that the surveying and settlement of the public lands should be arrested, for fear of furnishing, in future times, a valuable market to our domestic manufactures. These manufactures must, in process of time, if they succeed in supplying the home market, reduce the revenue: the policy, therefore, that would unite these two interests is rather short-sighted, if it is supposed that one is to become a permanent fund to aid the other. While this temporary swell in the treasury, produced by the American system, exists, sound policy demands that a surplus, unavoidably remaining in our coffers, should be applied to the improvement of the country.

There is another reason for this view of the subject, which I wish to address to the South in the words of Mr. McDuffie. In his letter on the subject of internal improvement, published in the Newark Advocate, of March 15, 1828, are these words: "I think the Southern and Western States are the natural advocates of a system of internal improvements, and I regret that the constitutional scruples of a portion of the Southern people should prevent a hearty co-operation. This is the only form in which the Southern States can be indemnified for the tax levied upon them, to sustain the manufactures of the Eastern States." That a power of this character may be abused, is very true; such is the fate of all human undertakings; it has, however, as yet, never been much abused, and, from the conflicting interests always found on the floor of Congress, it is not very likely to be. The whole sum ever expended by the Government of the United States, in drawing forth the resources of the country, by aiding works purely intended for that purpose, does not yet amount to the expenses of its army and navy for one year.

ablest jurists of the country, that to doubt now that these laws are constitutional, is supposing the plainest and most obvious propositions in the constitution have for forty years been misunderstood. There is scarcely a public man of any character or standing, who for the last forty years has been before the people, that has not acquiesced in the exercise of this power; nor do I believe doubts upon the subject were entertained until it was found convenient to retreat behind that eternal source of disputation, the constitution of the country.

For myself, I have always regarded the constitution of our country as a great charter of human liberty—a charter not wrested by the sword from some ambitious tyrant, but a free-offering of the American people upon the altar of liberty—an offering composed of their local passions, their local prejudices, and their local interests. Believing such to be its character, I have endeavored to approach its construction, not with the feeling of a mere carping attorney, but with that elevated philanthropy that would endeavor to construe the instrument with the spirit that engendered it. Where it was necessary to give the General Government a power, I believe it given fully and beneficially; when a power is denied, it is denied entirely.

Now, sir, with these principles of construction, can any rational man doubt the meaning of these expressions in the constitution? "Congress shall have power to lay and collect taxes, duties, imposts, and excises," &c. "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." It is said the power to lay and collect duties and imposts is a part of the taxing power, and was intended to supply the Government with revenue alone. This is probably true, and very forcibly proves that the words "to regulate commerce" were intended to have a more enlarged construction. The constitution, in saying "that no tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another," shows clearly that, as regards commerce in all its various branches, we are one entire nation, and that the whole subject is surrendered to the Federal Government. That there is no clause in the constitution giving Congress the power to protect manufactures, *eo nomine*, is certainly true; and it is likewise true that there is no clause in the constitution forbidding the Legislature to regulate commerce by discriminating duties, tonnage duties, or in any other way which to them may seem meet and proper.

It is amusing to observe the inconsistencies in which "the State rights gentlemen" involve themselves in arriving at the conclusion that the acts of 1824, 1828, or 1832, are unconstitutional. They tell us, when reasoning against the power of the General Government to appropriate money for internal improvement, that the constitution must be construed strictly; that all constructive powers are dangerous to liberty; that it is inadmissible to seek out of the constitution the meaning of the constitution; that the General Government may have the amount of the bond, but nothing more; all I ask is, that it may have nothing less. How, then, do gentlemen discover these acts are unconstitutional? The power over the subject is expressly granted. Will they apply to the proceedings of the convention that framed the instrument, and the traditions of the times, to ascertain the meaning of the words "to regulate commerce?" Certainly not—their principles forbid it.

It is melancholy to see, in the political discussions of the country, a constant disposition to reason from the inexpediency of a measure to its unconstitutionality; and, whenever a law bears a little upon our pride or our prejudices, a desire to pronounce it unconstitutional. Sir, the man who is not willing to bear a public burden for a public good, has the soul of a slave, and is unworthy the name of a freeman. If this power does not rest with the General Government, we exhibit the singular spectacle of twenty-four republics, populous and energetic in themselves, yet self-immolated at the shrine of the avarice and extortion of the rest of the world. I said that I merely intended to express an opinion, valueless as it may be—I would have been false to myself, false to every tie that binds me to the society in which I live, more than all, I would have been false to those I represent, had I failed to do so.

Mr. SLADE, of Vermont, next obtained the floor. He said he regretted the necessity which had been imposed on him, by ill health and other causes, to defer the execution of his purpose of addressing the committee at so late a period of the debate. He felt deeply the embarrassment incident to any attempt which he could make to engage the attention of the committee, after the subject in debate had been so fully and ably discussed by others. But it was too momentous in its consequences, both to his immediate constituents and the whole country, to permit him to remain entirely silent.

The bill on your table, said Mr. S., contemplates a great and vital change in the protecting system; a system whose operations are more complicated, and affect a greater diversity of interests, than perhaps any branch of our national policy.

The people, whose Government this is, and whose interests are deeply involved in this question, are not, and cannot be here, to decide it for themselves. They have entrusted the power of legislating upon it to us; and they have a right to expect that we will so exercise the power that our legislation shall be a faithful reflection of their will; and that great and radical changes in the public policy shall not be made, but in obedience to strong and unequivocal expressions of that will.

This, Mr. Chairman, is a new question. Congress has, it is true, often legislated upon the tariff. But it has been for the purpose of building up a system of protection to the industry of the country. This is a question, not of building up, but of pulling down; not whether the American system shall be sustained, and so enlarged and modified as to perfect, as far as practicable, the long cherished policy of extending protection to every interest requiring it; but the main pillars of the system are sought to be prostrated, and its entire proportions changed.

Regarding the measure in this light, I have been led to inquire—does the public voice demand it? Who has heard that voice? Where are the evidences of the desire of the people to commence the work of destruction? Are there any memorials on your table? Have the people spoken to us in their primary assemblies? Have they resolved that their industry does not need continued protection? Is there not, on the contrary, most obviously, a general conviction of the beneficence of the protecting system? And does not the unexampled prosperity of the country bear the most decided and ample testimony to it?

But it is sometimes said, and urged in the form of argument, that the disposition of the country to abandon the protective policy has been plainly indicated by the re-election of the present Chief Magistrate. Now, sir, who does not know that tens of thousands of votes were given to General Jackson without the slightest reference to the question, whether he was in favor of a high or a low tariff, or no tariff at all? And, besides, was he not urged upon the freemen of New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Missouri, and Louisiana, as a decided friend to the protective policy—disposed to carry it to the point of effectually sustaining the industry of the country? Does any man believe that, but for this, he could have obtained even one of the one hundred and

twenty-four votes which were given him by those States? Would his friends have dared to present a draught of this bill to the freemen of either of them, with an assurance that he would, if elected, lend his influence to secure its passage? And yet the people are now told that his re-election furnishes evidence that the country calls for this measure.

Mr. Chairman, the people have not, either directly or indirectly, spoken to us on this subject, for the best of all reasons. Almost the whole of our last session was occupied in legislating upon it. We made a general revision of the system, embracing numerous and material reductions, in accommodation to the diminished amount of needed revenue, as well as to the complaints of our Southern brethren. The whole country considered the question, as to the extent of protection, to be, for the present at least, settled. Nothing was further from the imaginations of the people than that the same Congress which had thus revised the whole system of protection with a full view of the existing and protective condition of the revenue, and upon a deliberate consideration of all the arguments which the most excited ingenuity could urge against it, would, in the short space of five months, and before their legislation had taken effect, be seriously deliberating upon a proposition involving, substantially, an abandonment of the protective policy. So firmly, indeed, had the conviction taken possession of the public mind, that the question would not be soon moved, that even the organ of anti-protection and nullification, in this city,* actually delayed the printing of the testimony on the subject of manufactures, taken last summer and ordered to be printed, upon the ground, as he himself has expressly stated in his communication to this House, that it would not be wanted at the present session of Congress. And, after all, we are told that the people call for the measure we are now urged to adopt. Sir, the people, I repeat, have not spoken to us on this subject. They have not asked us to revise our legislation. They have, in fact, rested in full confidence that we would not do it.

In this state of things, the present session of Congress was opened, and the President's recommendation that the revenue should be reduced to the wants of the Government, was referred to the Committee of Ways and Means. The sessions of the committee were hastened, and a bill was reported. And for what? To reduce the revenue merely? No, sir. A very different subject had engaged their deliberations. It was the system of protection; and to reduce that protection, rather than the revenue, seems to have constituted the burden of their labors. The bill on your table—a bill which carries the country back, in the scale of protection, sixteen years in one, was the result.

Permit me, Mr. Chairman, to trace, for a moment, the history of this bill. Soon after its introduction, the House was astonished by the declaration of a very distinguished member of the committee, [Mr. WILDE,] that he should refrain from entering into an exposition of its principles or details, because he had, in this case, adopted the maxim, that it is for minorities to talk, and majorities to vote. Sir, who authorized the honorable member of the committee to assume that there was a majority of this House in favor of the bill? Was it to be carried by a mere party vote, that the necessity of sustaining it upon its merits was thus, in effect, disclaimed? Well, sir, the minority did talk; and they talked to so much purpose, that it began to be doubted whether the assumed minority would not turn out to be a majority. It was, therefore, deemed necessary by one of the committee, [Mr. POLK,] to attempt to sustain the bill; in doing which, he surprised us with the production of the voluminous testimony relative to manufactures, taken during the last summer, under the direction of the Secretary of the Treasury; testimony which the public printer has not thought it necessary to print, and no part of which had been ever seen by the other members of the House; but which they were thus called upon to weigh in the decision of one of the most complicated and difficult questions which could be presented to them. I will not detain the committee with an examination of that testimony. It has been amply exposed by the "cross-examination" of my able colleague, [Mr. EVERETT,] especially as far as it regards my own State.

While the honorable member of the Committee of Ways and Means, who introduced this testimony, has utterly failed to sustain by it the bill on your table, he has furnished what should be to him, certainly, a most conclusive reason for postponing the whole subject to a future period. By attempting to use the testimony, he has shown us that he considers it material to the issue; and if it is material, then, certainly, should those whose interests are involved, have an opportunity to examine and explain it. If it is to be used for the purpose of sustaining such a bill as this, in the name of the people, I ask that it may be published and submitted to their inspection. Sir, the farmers and mechanics of the country are on trial before this body. And is not this testimony a surprise upon them? May not their agents here claim for them at least one continuance? Shall a decision be forced upon them now? Mr. Chairman, if it must be, then, certainly, may those who represent them claim the privilege, at least, of a patient hearing; and such a hearing assuredly they may expect at the hands of those who aided in building up the system which they are now laboring to destroy.

The first position which I ask the opponents of the protecting system to consider is, that the public faith stands pledged to sustain it. The Government has legislated forty years upon the principle of protecting, by discriminating duties, the industry of the country. The tendency of this policy has been to invite the investment of capital in manufacturing establishments, and in the various branches of industry connected with, and dependent upon them. These investments have been made to an almost incredible amount; and made in the confidence justly inspired by our legislation, that no sudden change in the public policy would render them valueless. And, sir, the pledge thus given derives additional sacredness from the fact that the investments of which I speak have been invited, not merely on the ground that they would be beneficial to capitalists, but on grounds of public policy—not, in fact, so much for individual, as for public benefit.

But the claims of domestic industry rest on still stronger ground than this. The capital of New England was, on a memorable occasion, actually forced into manufacturing; and that at the expense of sacrifices which are now to be doubled in forcing it back again.

Permit me to ask, Mr. Chairman, how much the right to protection, thus created, differs from the commonly received idea of a vested right? What difference is there, in principle, between the plighted faith of the Government in this case, and in that of a turnpike or bridge company? A grant is as substantially made in one case as in the other; and investments are made upon the faith of it. And can those who would revolt at the injustice of the legislation which should attempt to deprive such a company of the right of taking toll, after complying with the terms of the grant, be indifferent to that withdrawal of protection from millions of manufacturing and agricultural capital which must subject it to the most ruinous sacrifices?

I admit, indeed, that the affairs of men, so far as they

* The editor of the United States Telegraph, and printer to Congress.

stand connected with general legislation, must be subject to its ordinary fluctuations, against which a prudent foresight will be able to guard. But no foresight could guard against the change which is contemplated by this bill. No man had a right to expect it. No man—I speak of those upon whom its weight is mainly to fall—did expect it.

But, Mr. Chairman, our duty in this matter rests upon broader ground than this. We are bound, upon the soundest principles of public policy, to sustain the system of protection to the industry of the country, and to the whole industry of the whole country, against foreign competition. Nor are we to limit the exercise of our power of doing this, to the temporary counteraction of some particular act of foreign legislation. We are bound to adopt and maintain a system which shall permanently secure the country against the general tide of that legislation, in all its fluctuations. Let me illustrate this by an example. Suppose that Great Britain suddenly abolishes her prohibitions of the importation of our breadstuffs, which she has long maintained, for the purpose of sustaining her agriculture. Should we, therefore, immediately open our ports to the admission of her manufactures free of duty? Certainly not. What would be the consequence? The moment our manufacturing establishments should be prostrated, as they would be by this operation, with the sacrifice of millions, Great Britain might resume her prohibitions, and we should be left with our agricultural produce rotting on our hands, while she would enjoy a monopoly of our market for the sale of her manufactures. Our true policy is to guard against all such fluctuations of foreign legislation, by adopting and steadily maintaining a system which shall give the highest possible development to the capacities of our people and our soil; and thus establish, upon deep and enduring foundations, a barrier against the broad stream of foreign policy which is perpetually struggling to overwhelm us with the productions of foreign labor, and paralyze the creating energies of our own.

This view of the protecting policy was obviously in the contemplation of Mr. Madison, when, in his first executive message, he recommended manufactures to "the prompt and constant guardianship of Congress;" and this is what Mr. Jefferson subsequently denominated "the true republican policy." It has, sir, been the cherished policy of this Government, from the passage of the first revenue law, in 1789, down to the present time.

And need I speak of its effects? how it has stimulated the industry, diversified the pursuits, developed the resources, and augmented the wealth, and population, and happiness of this great people? Is it not fully realizing the predictions of its early friends, and fulfilling the beneficent designs of the framers of the constitution?

But, sir, a new era has arisen. The fathers of the republic are gone! The constitution, the noble monument of their wisdom, is committed to other hands. And now in face of the construction undeniably given by them to that instrument, and inscribed in broad characters upon our statute book, in the memorable preamble to our first revenue law; and notwithstanding that construction has been sanctioned and settled by the practice of this Government for more than forty years, we are told, not only that there exists no constitutional power to regulate commerce with a view to the protection of our industry, but that its exercise must be forthwith abandoned, at the hazard of revolution!

I will not, Mr. Chairman, detain the committee a moment with an attempt to vindicate the exercise of this power upon constitutional grounds. It has been ably and conclusively sustained in this debate. I will ask the indulgence of the committee only while I advert, briefly, to one or two objections urged against the protecting system, on the ground of expediency.

For the purpose of rendering the system odious, we are told that it builds up monopolies. Sir, nothing can be more unfounded than this. What sort of monopoly is that which leaves to all the free enjoyment of its benefits, which throws wide open the door to competition? I need not stop to expose such an absurdity. But the objection sometimes assumes another form. The few, it is said, are enriched at the expense of the many; and overgrown capitals are accumulated, and lordly nabobs reared up to ride over the necks of the people. Sir, how is the capital which puts in motion the great mass of your manufacturing establishments invested? Is it not, to a very great extent, in the form of joint stock companies, in which all have an opportunity of participating who are able to purchase a single share? If, therefore, the benefits were wholly confined to manufacturing capitalists, there would be nothing to alarm even the most strenuous advocates for liberty and equality. But they are not alone, or mainly, benefited by this system. Their capital, which is the object of so much jealousy and apprehension, is but the minister of good to the farmers, the mechanics, and the laborers of the country; and they, sir, have too much good sense not to see and feel it. Talk to them of odious monopolies and overgrown capitalists, they will tell you to look at the improvements in agriculture and the mechanic arts; the increased value of every species of productive labor; the enlarged capacity, and augmented products of the soil; the enhanced value of the forests; the new created wealth of the mines; and the flocks and herds covering the extended valleys, and rambling upon the thousand hills; while they will invite you to listen to the busy hum of free and happy industry which is the crowning glory of the whole. Here, they will triumphantly tell you, are the genuine fruits of the protecting policy—these the creations of the American system.

But, we are told that this system is fraught with oppression to the South—oppression which it cannot, and will not, endure.

Mr. Chairman, my constituents are an inquisitive people; and, having incurred a full share of the responsibility of building up the protective system, they want to know what are the real grounds of the complaint that it is intolerably oppressive. They have, indeed, been told that the exporters of our productions, in fact, pay the whole of the duties levied on the importations purchased with them; and that, inasmuch as the largest portion of the dutiable imports are purchased, directly or indirectly, with the principal Southern staple, therefore the cotton-planting States pay nearly all the revenues of the country. Now, sir, the utmost ingenuity of the advocates of this new theory has never been able to convince either my constituents or their humble representative of its correctness. We still adhere to the old doctrine, that the consumer pays the duty, except when prices are so reduced by competition, as, in effect, to throw a portion of the duty upon the foreign manufacturer.

Mr. Chairman, do gentlemen who advance this theory perceive in what, if carried out, it will terminate? If it be correct, it applies not merely to duties levied for protection, but to all duties. It strikes at our whole system of revenue, and overturns the established opinions, not only of this, but of all commercial countries, with regard to the operation of impost duties. And has the world been so long laboring under a delusion, which it is reserved to the political economists of South Carolina to dispel? If it is a delusion, it is certainly a most extraordinary one; for, in adjusting every system of taxation, the leading and prominent questions must always be—upon what objects is it to operate? And upon what portion of the community are its burdens to fall? And yet, upon these vital questions the world has, for ages, been entirely mistaken. Even the framers of our constitution, who

are generally allowed to have been, at least, respectable for wisdom, were in utter darkness on the subject. They provided, among other things, for the laying of "imposts, to pay the debts, and provide for the common defence and general welfare." Does any one believe that it entered into their imaginations that the exporters of produce, instead of the consumers of the merchandise purchased with it, were to bear the burden of these imposts? Why did they provide that all imposts should be "uniform throughout the United States?" Obviously for no other purpose than that of equalizing the rates of taxation among the consumers of imported merchandise. Upon the South Carolina theory, such a provision would have been idle and useless. They provided, too, that "no tax or duty shall be laid on articles exported from any State." But here they were, according to the South Carolina doctrine, still in the dark; for while they intended effectually to secure our exports from taxation, they did, in fact, subject them to the burden of paying the entire revenues of the country. The wise men who framed the constitution, did not, it seems, understand the work of their own hands; nor had the accumulated wisdom of the whole country been able, in the process of forty years' administration of the Government, to understand it, until the light of the "forty bale theory" burst upon the world.

It has not been my intention, Mr. Chairman, to detain the committee with a minute investigation of this theory. The arguments by which it has been met and overthrown are familiar to all, and I think I may venture to say that there are not ten members on this floor, who would now soberly attempt its vindication. And yet, preposterous and revolting to common sense as it is, it has been successfully employed in South Carolina, to the purpose of seducing her people into resolutions of resistance to what they have thus been made to believe is intolerable oppression--insupportable tyranny.

But we are told that the duties upon consumption are oppressive, because unequally burdensome, to the South. Now, sir, how does it appear that the South sustains an unequal portion of the burden of imposts? The rates of duties are the same every where. The only question then is as to the comparative amount of the consumption of dutiable articles by different sections of the country. And as it is a fundamental principle of the constitution that the burdens of taxes and the benefits of representation shall be equal, no State can justly complain of burdens as unequal, which do not exceed the measure of its representation. South Carolina, for example, ought not to complain, if she pays no more taxes than another State, having an equal representation. Now, sir, South Carolina has nine representatives on this floor, while Vermont has but five. South Carolina, then, should pay nearly twice as much as Vermont. But who will seriously undertake to maintain that she contributes in that proportion to the expenses of this Government? Why should her contributions even exceed those of Vermont, when her white population is fifteen thousand less than that State? It is true, she has 315,000 slaves, with a representation here of four on their account--one, only, less than the entire representation of Vermont. But what amount of dutiable articles is consumed by these slaves, compared with that consumed by an equal number of Northern freemen? Almost the entire amount consists of the coarsest and cheapest woollens; and yielding, therefore, even at a duty of fifty per centum upon their value, but a very inconsiderable portion of the whole revenue, compared with the more expensive clothing of the population of the North. But even this pittance, constituting almost the entire revenue derived from the slave consumption, has been nearly relinquished by the act of last session, coarse woollens, for the sake of peace, having been brought down to a mere nominal duty of five per cent.--thus almost entirely exempting from taxation the consumption of a portion of the population of South Carolina, equivalent, in point of political power, to four-fifths of the people of the State of Vermont. And yet, sir, South Carolina comes here and talks of oppression--intolerable oppression!

But, ask Southern gentlemen, is it not oppressive to compel us to purchase the articles of our consumption, at an advance, resulting from the protecting duties, of from fifty to one hundred per cent., when that advance enures to the exclusive benefit of the Northern manufacturer? The burden of this complaint rests upon the assumption that, but for the protecting duties, the articles upon which they are now levied might be purchased for their present price, less than the whole amount of the duties; and that, therefore, the South pays that amount as a tribute to the Northern manufacturer.

Now, sir, let us test the correctness of this assumption by reference to a few of the articles on which protecting duties are levied. The price of nails, for example, is six cents per pound—the duty five cents. Does any body believe that, if the duty were entirely taken off, nails might be purchased for one cent? Lead sells at 3½ cents, and there is levied upon it a duty of 3 cents. Who believes that it could be purchased at five mills, if exempted from duty? So also the price of cottons within the 30 cents minimum averages ten cents per yard. The duty is equal to 7½ cents. Where could they be purchased for 2½ cents, if the duties were removed? I might pursue the illustration, by a reference to numerous other articles which enter extensively into the consumption of every part of the country. Indeed, I believe it may be safely asserted that the general effect of an increase of duty for the purpose of protection, upon any particular article, has been to reduce its price to the consumer; while the sudden diminution of a protecting duty has produced an advance of prices—if not immediately, at least after the domestic manufacture has been so checked as materially to affect the competition created by it, and subject the market to the control of foreigners.

There seems to me to be a radical and fatal error in the reasoning of the opponents of the tariff on this subject. Directing their attention, exclusively, to the transition from a high to a low duty, they ask—cannot the merchant who sells goods to-day on which he has paid a duty of 50 per cent., afford to sell 50 per cent. cheaper to-morrow, the same kind of goods, on which he shall have paid no duty? Certainly he might; but whether he would or not, depends upon the grand regulator of prices—the relation between the demand and supply. But whatever may be the momentary effect of this abandonment of a protecting duty, we must, in legislating upon the subject, look at its ultimate permanent effect. That that effect would not be a reduction of price equal to the reduction of duty, would seem necessarily to result from the fact, that the advance of price, on the laying of a protecting duty, has in no case been permanently equal to the augmentation of duty. The truth is, and it rests on undeniable facts, that such a diminution of protecting duties as has the effect of diminishing the amount of any particular domestic manufacture, though the increased importation which produces that effect may temporarily reduce prices, will finally result in such an increase of the price of the substituted foreign manufacture in the foreign market, as to keep it undiminished to the consumer here. So that the precious privilege of employing foreign labor to supply our wants, will constitute the whole benefit of an abandonment of that protection which has hitherto cherished our own.

But, say our Southern friends, your system of protection diminishes the importation of British goods; and by as much as that importation is diminished, by so much is diminished either our export of cotton, or the prices of it. Let us, therefore, have free trade. Now, sir, to test

the force of the objection thus raised by the cotton-planting States, I propose to give them free trade for a while, and see how it will operate.

The whole export of cotton from the United States was, in 1830, about 300,000,000 pounds. The amount consumed in the United States was about 75,000,000. Total 375,000,000. To meet the wishes of the South, suppose we break up our establishments, and transfer the whole of our present manufacture to Great Britain. The British manufacturers would then want an additional supply of cotton, to form fabrics of that article, equal in amount to those previously manufactured in the United States; that is, just the 75,000,000 pounds, and no more. So that success in this long contest for free trade would simply transfer to Great Britain, to give employment to her industry and capital, the 75,000,000 which had been previously consumed in the United States, for the benefit of our own.

As free trade would thus add nothing to the present amount of the sales of Southern cotton, so neither would it enhance its price. The price of cotton, as of every thing else, I need not say, is regulated by the relation which may exist between the demand and supply—a disproportionate demand raising the price, and a disproportionate supply reducing it. Now, sir, would the transfer which I have supposed, increase the demand for raw cotton? Would the world, in consequence of it, want any more cotton fabrics than before? Certainly not. And, on the other hand, would the supply of the raw material be thereby diminished? Would the cotton planters of India or Brazil, for example, diminish their culture of that article, for the purpose of enabling our Southern cotton planters to illustrate the advantages of free trade, by having an increased demand for their production, in the market of Great Britain, and of the world, so as to be enabled either to sell an increased quantity, or command an increased price? Certainly not.

The South complains that the price of cotton has greatly diminished under the operation of the protecting system. It has, indeed, diminished: but I deny that the diminution has been produced by that system. It has resulted from an increased production of cotton every where; a production that has outrun the consumption of the world. It has greatly increased in Egypt, Brazil, and the East and West Indies; and has been extended from the Atlantic to the Southwestern States. Thus, in the United States, the cotton crop has increased from about ninety-two millions of pounds in 1816, to about three hundred and seventy-five millions in 1830. And this has been accompanied by a probable corresponding increase of production in other cotton-growing countries. Can South Carolina wonder that the price of her staple has sunk under the pressure of such an accumulated production as this?

That the fluctuations in the price of cotton have not been produced by the protecting system, is rendered yet more apparent, by a glance at the quantity compared with the value of that staple exported from the United States in various years. Thus, 92,000,000 lbs. exported from the United States in 1818, were worth $31,000,000, while 88,000,000 lbs. exported in the following year were worth but $21,000,000. So, in 1822, 144,000,000 lbs. were worth $24,000,000, while 173,000,000 lbs. in 1823, were worth only $20,000,000. So, also, in 1825, the value of 176,000,000 lbs. was $36,000,000; whereas, in the next year, 204,000,000 lbs. were worth but $25,000,000. Now, whence these fluctuations of price? No material variations of the tariff occurred during either of these biennial periods. The great and sudden fluctuations could not, therefore, have resulted from tariff legislation. They must be traced to other causes.

I have said, sir, that the effect of free trade upon our cotton planters would be to enable them to transfer to Great Britain the amount of their staple, previously wrought in the cotton mills of the United States. This, however, is not altogether true. Break up our cotton manufacturing establishments, and there would be a diminution of our consumption of cotton fabrics, resulting from the diminished ability of our people to pay for them, and accompanied by a substitution of fabrics wrought from other domestic materials. It is obvious, therefore, that there must be a corresponding diminution of demand for the raw material, and that its present consumption in the United States would, to that extent, fail of being transferred to the cotton mills of Great Britain.

The consumption of cotton fabrics in the United States has been almost immeasurably increased since the introduction of their manufacture, because of the increased facilities of purchasing them with the products of our labor and our soil. Drive our people to the British manufacturers for the purchase of these as well as other fabrics, and what have they to pay with? What of the products of three-fourths of our country will Great Britain take in exchange for them? The truth is, that the consumption, as well as the price, of the great Southern staple is actually increased rather than diminished by a protecting tariff. In fact, sir, the general prosperity of the country, which results from the protecting system, is emphatically the prosperity of the South. The augmented value which that system gives to the industry of the East, the Middle, and the West, not only furnishes an increasing demand for Southern staples, but also increases the demand of the country for those foreign productions which may be purchased with them. Thus, the consumption of cotton in the United States has increased from 11,000,000 lbs. in 1816, to about 80,000,000 at the present time; and there has been, also, a constantly increasing demand at the North for the flour, the corn, the rice, and the tobacco of the South; while the exportation of cotton has rapidly increased, and the aggregate importations been greatly augmented.

There is, Mr. Chairman, another benefit connected with the protecting system, which I cannot wholly omit to notice. It is its tendency to strengthen that bond of our Union, which is formed in the free intercourse produced by reciprocal wants and mutual dependence; to make us, in interest and in feeling, one people. Vain, sir, will be all efforts to sustain this Union, while those who have, under Providence, the control of its destinies, disregard this great principle. Let us, then, aid its full development, by sustaining that system which enlarges the sphere of the national industry, multiplies the objects, and improves the channels of a free commercial intercourse, and thus deepens the sympathies, identifies the interests, and cements the union of this great people.

And now, Mr. Chairman, may I be permitted to press upon those who complain so loudly of the oppressions of this system, the inquiry—how its abandonment, so sternly demanded, will furnish the desired relief? The people, sir, whom I represent, want light on this subject. They now believe, and I can assure gentlemen that silence will not shake that belief, that South Carolina must look to other causes than the tariff, for the source of the evils of which she complains. They believe that the depression in the price of her great staple is to be traced to causes entirely disconnected with the protecting policy. And they believe, what it is to be feared South Carolina has yet to learn, that the wealth and prosperity of a community mainly depend upon the proper cultivation of its soil; the habits of its people; their domestic economy; and, above all, upon the amount of their productive labor. And, sir, their highly cultivated fields, their comfortable dwellings, their frugal habits, and their universal untiring industry, exhibit a practical illustration of the correctness of their belief. They show their faith by their works. And can a people, who have long presented a perfect contrast to

all this, wonder that they, at length, find themselves in a state of decay, or even of impoverishment? To speak only of the state of industry at the South—what is it? It has been asserted here that one-half of the able population perform no labor, but are entirely dependent upon the labor of others. To put the case, however, beyond the reach of all possible doubt, I will suppose the proportion to be one-third only. Now, to illustrate the effect of this, let me suppose that one-third of the able, and, of course, the laboring portion of the population of Vermont were transported to a barren rock, in the midst of the ocean; and that the remaining two-thirds were compelled to provide for them the necessaries, and even the luxuries of life, with the personal service necessary to ensure to them a complete exemption from the labor of taking care of themselves. Need I ask what would be the condition of Vermont under the operation of such an exhausting process? And yet this is very far from presenting a perfect illustration of the evils of slavery; for there would still be left the indomitable energies of a free people to struggle forward beneath the burden. No comparison can fully illustrate the influence of slavery upon the condition of a community.

But, sir, I will pursue this subject no further. I know how exceedingly irritating it is in certain quarters, and have, therefore, alluded to it with great reluctance. But its consideration is forced upon us, by the glowing descriptions which are constantly given of Southern impoverishment and distress, produced, as we are told, in no measured terms, by the "oppressions" and "robberies" of the "tyrannical" and "abominable system of protection. To shut our eyes, under such circumstances, to one of the most prominent and efficient causes of Southern depression, is as impossible for one portion of the country as it is suicidal in the other.

And what is the remedy which South Carolina proposes for the evils under which she labors? Nothing less, sir, than the entire prostration of the protecting system; the sacrifice of millions in accomplishing the ruinous result; and the reduction of the labor of freemen to a level with that of slaves. And, after all, who can say that this will be an effectual remedy? Will it restore the worn out lands of Carolina? Will it add fifty per cent. to the amount of her productive labor? Will it blast and consume the cotton crops of Alabama, Tennessee, Mississippi, and Louisiana? or convert into deserts the fruitful cotton fields of Brazil, Egypt, and the Indies? Or will it take off the mighty incubus which sits, with sable visage and haggard form, upon the southern portion of our country? If it will not do all this, then I hazard nothing in saying that it will not reach the fountain of South Carolina's sufferings, and bring her the desired relief.

Permit me, now, Mr. Chairman, to glance at the extent and suddenness of the change which this bill proposes; the grounds on which it is urged by the committee who reported it; the strength of the argument drawn from the present position of South Carolina; the consequences of yielding to it; and the certainty that yielding to it, by the passage of this bill, will not settle this vexed question.

In regard to the first subject of inquiry, I will not trouble the committee with a minute examination of the details of the bill, which have been very fully gone into by gentlemen who have preceded me. The deep interest of my constituents in the production of wool must, however, be my apology for devoting a few moments to this branch of the subject.

And, in the first place, it should be remembered that the act of the 14th of July last, to take effect on the 4th of March next, abolishes the duty on wool costing eight cents, and under, and reduces from more than fifty to five per cent. the duty on woollens costing not more than thirty-five cents, and from 38½ to 5 per cent. on coarse blankets. In addition to these reductions, the present bill provides for a reduction on wool costing over eight cents, of about one-half the present duty, immediately; in one year two-thirds, and in two years four-fifths; and on woollens, costing over thirty-five cents, one-fourth immediately; in one year one-half, and in two years two-thirds, of the existing duty.

Now, sir, I do not undertake to determine the precise effect upon the price of wool, of any given reduction of duties upon it, or upon its manufactures. But let us look at its probable operation.

Prices being regulated by the relation between demand and supply, it is obvious that a reduction in the demand for wool, the supply remaining the same, or an increase of its supply, the demand remaining the same, will alike reduce its value.

Now, although the reduction of one-fourth the present duty on woollens might not produce an immediate suspension of the operations of our woollens establishments, it must, necessarily, be followed by a material reduction in the prices of wool, of labor, of provisions, &c. to enable them to continue their operations. That the commencement of the second year, however, when the duty will be brought down to one-half its present amount, would find them overwhelmed with foreign importations, can admit of no doubt. It would be the signal for an attack of the main body of British manufacturers, with their redundant capital and pauper labor, before which our infant establishments, with their dependent interests, must inevitably be crushed.

But the heaviest blow which this bill inflicts on the wool-growing interest, is the immediate reduction of the duty on wool; for, even if there were no reduction of duty on woollens, and the demand for wool should be undiminished, the supply would be increased even to a glut of the market, by the importations which must follow the reduction of duty. No one can doubt this, who will take the trouble to recollect that, even under the present duty, the importations of wool, in the year ending on the 30th of September, 1831, amounted to 5,622,960 lbs. If such an importation was made under a duty of not less than 75 per cent. need I ask what would follow an immediate abolition of one-half of that duty?

Now, sir, let me illustrate the probable effects of this reduction upon the wool-growing interest, by a reference to the district which I have the honor to represent.

Of the twenty millions of sheep in the United States, Vermont is estimated to possess one million five hundred thousand. Their value, estimated at two dollars per head, is - - - - - $3,000,000

The land required for their subsistence, estimating one acre for three sheep, would be 500,000 acres, which, at 10 dollars, would amount to - - - - 5,000,000

The annual product of wool, estimated at 2½ lbs. per head, is 3,750,000 lbs., which at 40 cents, amounts to - - - 1,500,000

To complete the account, there should be added the labor employed in rearing the flocks, and washing and clipping the wool, and transporting it to market, and the value of the land necessary to subsist the labor thus employed.

Now, sir, contemplate, for a moment, the effects of an immediate reduction of even one-third in the present price of wool. That reduction would, in my district alone, amount to half a million of dollars on the crop of the approaching season. To a farmer owning one thousand sheep, it would be three hundred and thirty-three dollars; while there would be a corresponding reduction in the value of his flock and his farm which would amount to an additional sum of one thousand seven hundred and seventy-six dollars. And let it be remembered that this farmer has been gradually enlarging his stock of sheep, perhaps suddenly by purchase, upon the assurance that there would be something like stability in our legislation.

Perhaps he has added to his farm upon the same assurance, and, in the course of this operation, has become indebted, with the expectation of an ability to pay from the produce of his flock—making his purchases of sheep and land at prices regulated by the standard of existing values. Now what will be his condition when he finds that the magic of our legislation has, in effect, stripped him of one-third of his coming crop of wool, and reduced, in the same proportion, the value of his flock and his farm? His debts must be paid to the last farthing. Our legislation cannot reach them.

The case I have supposed, while it may be literally the case of thousands, furnishes an illustration of the general effect of the contemplated change in the protecting system upon the relation of debtor and creditor throughout the community. The mass of existing debt must be discharged; and what will become of the debtors under the operation of such a material and sudden reduction of the means of payment?

So much has been said, here and elsewhere, of the aristocratic manufacturing monopolies, that men have insensibly come to look at their prostration with a strange, unaccountable indifference, not reflecting that their operations have become so intertwined with the whole business of the community as materially to affect the value of land, of labor, and of all the productions of both. Sir, it is upon these interests, the interests of the farmers, the mechanics, and laborers, that you are about to let in the broad and desolating flood.

But it is said that excessive importations will not follow a reduction of the tariff; that combinations of foreign capitalists cannot be formed to flood our markets at a sacrifice, for the purpose of prostrating our manufactures. There is, sir, no necessity for supposing the existence of combinations to produce such a result. It will as necessarily follow a withdrawal of protection as would the inundation of Holland, the prostration of her dikes. The redundant capital and labor of Great Britain are perpetually struggling to find a market for their productions, the sale of a portion of which, even at cost, is an important object, because it prevents that surplus in the home market which reduces the value of the whole stock. Shall we not learn wisdom from experience? What followed the diminished protection produced by the peace of 1815? Let the overwhelming influx of foreign goods, and the sacrifices, the bankruptcies, and the wide-spread desolations of the few following years, answer. The imports of 1815 amounted to one hundred and thirty-three millions of dollars; the exports were but little over fifty millions of dollars. Further evidence of the excessive importations may be found in the fact that the receipts from customs, in the years 1816-'17, were about sixty-two millions of dollars.

Similar effects followed the peace of Europe, in 1814, in the excessive exports of British manufactures to the continent. A description of them may be found in a speech of Lord Brougham in the British Parliament, from which I beg permission to read a short extract.

"After the cramped state in which the enemy's measures and our own retaliation (as we termed it) had kept our trade for some years, when the events of the spring, 1814, suddenly opened the continent, a rage for exporting goods of every kind burst forth, only to be equalled (though not in extent) by some of the commercial delusions connected with South American speculations. Every thing that could be shipped was sent off; all the capital that could be laid hold of was embarked: the frenzy—I can call it nothing else, after the experience of 1806 and 1810—descending to persons in the remotest circumstances, and the farthest removed, by their pursuits, from commercial cares."

After describing the reaction, and general distress which followed, Mr. Brougham adds:

"The peace with America has produced somewhat of a similar effect; though I am very far from placing the vast exports which it occasioned upon the same footing with those to the European market the year before; both because, ultimately, the Americans will pay, which the exhausted state of the continent renders very unlikely, and because it was well worth while to incur a loss upon the first exportations, in order, by the glut, to stifle in the cradle those rising manufactures in the United States which the war had forced into existence, contrary to the natural course of things."

Mr. Chairman, what took place on the continent of Europe in 1814, and in this country in 1815, will, as surely as like causes produce like effects, befall us in 1834 if this bill becomes a law. It will result not only from the natural operations of trade, but from the systematic policy of our great rival, which is ever intent on "stifling" the manufactures of the United States, whose existence and prosperity it regards as "contrary to the natural course of things." Yes, sir, in the eye of a British statesman, and, may I not add, in the eyes of some of our own, the "natural course of things" is, that British industry shall supply our wants, rather than that we should cherish our own industry to supply them ourselves. Shall we, sir, by our legislation, aid that policy which thus augments the industry, the wealth, the population, and the power of the "fast-anchored isle?" or shall we cherish and build up the system which puts in motion the capital, and enterprise, and ingenuity, and industry of our own country, and thus increases its wealth, advances its population, and renders solid and permanent the foundations of its prosperity and its power?

There is, Mr. Chairman, one general feature of this bill, to which I beg permission to devote a few moments' attention. The claim of the nullifiers, as embodied in the South Carolina address to the people of the United States, is, that duties shall be made equal on all articles, as well those which need as those which do not need protection. It is hardly necessary for me to say that the raising of a revenue not exceeding fifteen million dollars, upon such an apportionment of duties, will involve a surrender of the protecting system. And does not the bill on your table, in its obvious disregard of the discrimination which is vital to that system, evidently point to such a result? Permit me to examine it, for a moment, in connexion with the report of the Secretary of the Treasury, and the Committee of Ways and Means, to whose joint labors it obviously owes its existence.

The Secretary says, in the first place, that "it is not to be concealed, that a permanent system of high protecting duties directly tends to build up favored classes, ultimately prejudicial to the State." "Favored classes!" Let me stop to look at this a moment. Who constitute the favored classes, the building up of which fills the mind of the Secretary with such alarm for the safety of the State? Sir, they are, in truth, the farmers, the mechanics, and the laborers—the men by whom, and for whom, this Government was made. The system of protection builds them up, and, therefore, the State is in danger!

The Secretary proceeds: "Little doubt is entertained that, in a tariff framed on proper principles, the reduction of six millions, now recommended, may, for the most part, be made upon those commonly denominated protected articles, without prejudice to the reasonable claims of existing establishments." Now, let us see what are regarded as "the reasonable claims of existing establishments." The bill, which, the House has been told, embraces the Secretary's project of a tariff "framed on proper principles," provides for the following, among other reductions of duties, within two years, viz. wool, from more than 75 per cent. to 15; woollens, from 55 per cent. to 20; woollen twist and yarn, from 25 to 15; cottons from 48½ to 20; and cotton yarn and thread from 37½ to 10.

Now, sir, if, in reference to the great and vital interests of wool, woollens, and cottons, these reductions constitute the measure of their "reasonable claims" to protection, I should like to know by what rule the reasonable claims of certain other interests are so estimated as to keep permanent duties of 28 per cent. on hammered iron; 35 on pig iron; 76 on rolled; 93 on sheet and hoop iron; 62 on nails; 72 on spikes; 48 on anchors; and 37 on castings; protected, as most of these articles are, to no inconsiderable extent, by the heavy freight on their importation. And why, I may add, is a duty retained upon sugar, of 46 per cent., tobacco 33, and coal 47? As the Secretary's report throws no light on these inquiries, let us see if we can find any in the report which accompanies this bill.

The committee say that they have "arranged the duties at rates of from 10 to 20 per cent.," with certain exceptions, founded upon the necessary protection of articles "essential to independence in time of war." On looking over the bill, I find these exceptions to embrace fifty-two articles, which range from 23 to 111 per cent.; among the most prominent of which are those I have just enumerated. Now I should be glad to be informed how it is that tobacco, sugar, paper-hangings, coal, boots, nails, mill-cranks, and castings, to mention no other articles, are necessary to independence in time of war, while cotton and woollen cloths are unnecessary. Is not clothing as necessary to an army as sugar and tobacco? or even as lead and iron? But it seems to me to be taking a very limited view of the subject, even to confine the essentials of independence to munitions of war, and the clothing of an army. Must not the country be clothed as well as the army? But the national independence, of which the committee speak, necessarily takes a still broader range, comprehending the ability of the country to pay the taxes, and sustain the general shock of war. And, in the present state of the world, nothing can lay a solid foundation for this independence but the protecting system. May I not even ask Carolina, whether it is not necessary to her independence in time of war? Where, in case of a war with Great Britain, for example, is she sure of finding a market for her cotton? The enemy might, indeed, for her own special benefit, furnish such market. But she might not furnish it. And where then would be the cotton of Carolina? She would have no home market, for she would, if she could, effectually destroy it by breaking down all the manufactures of her staple production.

The committee say, further, that, for the purpose of benefiting "some branches of industry," some of the raw materials are admitted at a low duty. Benefiting some branches of industry! What regard for the industry of the country is manifested, by reducing the duty on wool to 15 per cent.? True, it may save the woollen manufactories from immediate destruction. But where, in the mean time, are the wool growers? Are not the twenty millions of sheep, and their annual product of fifty millions of pounds of wool, regarded as of sufficient importance to be set down in connexion with "some branch of industry?"

And here, sir, let me ask why the committee have imposed a tax of 17 or 18 per cent. on tea, which we have the authority of the President, in his annual message of 1829, for saying is "an article of necessity to all classes," and which needs no protection, while they have brought down to a duty of 15 per cent. wool, which does not need it. Why, I ask, in the name of the wool growers every where, and especially in my own State, why was not this tea duty transferred to wool, where it might have the effect of saving millions of sheep from the knife, and thousands of farmers from ruin? The whole amount of that duty, added to wool and woollens, would still leave them with less protection than this bill provides for iron, and sugar, and many other articles. And why this distinction? Can those who are connected with those interests be deceived by a discrimination in their favor, at the expense of some of the most important interests embraced in the protecting system? If the citadel is carried, do they expect that their positions will be secure from assault? It must be a very delusive idea of security, which shall induce the iron interest, for example, to sit quietly by, and see the Government going back sixteen years in one, in the protection of woollens, and more than sixteen years in thirty days, in that of cottons, while iron is kept up to about double the duty of 1816, under the pretence that it is essential to our independence in time of war. The policy which now strikes a fatal blow at the leading interests to which I have adverted, will spare no interest when it can be successfully assailed. The bill before us brings down wool, woollens, and cottons, to a standard of mere revenue, utterly regardless of the great principle of discrimination, which is vital to the protecting system. "Duties for revenue and not for protection," is inscribed in broad characters upon its front. The work of ruin is thus commenced; and if the principles of this bill are to be carried out, there is not a protected interest in the country which will not be finally doomed to destruction. Can the friends of the protecting system on this floor shut their eyes to the danger which thus threatens it?

But, sir, if we are not awake to the danger, the people will be roused, when they feel the effects of our legislation. I do not say they will rebel. No, sir. But let me tell you what they will do. They will go to the ballot boxes, and there tell us, in language not to be misunderstood, that their interests shall be protected. We may break down the barriers, and let in the flood. Millions may be sacrificed, and thousands ruined. But the people cannot, I trust, be permanently blinded to their true interests; and if their power in this Government is to be any thing more than a name, those interests shall yet receive an ample and permanent protection.

And now, Mr. Chairman, permit me to ask, and to press the inquiry, what reasons exist for the great and sudden change of policy which this bill contemplates? Surely, sir, we cannot take this step without reasons the most urgent. Do they exist? What are they? Has the protecting system we have so long cherished, brought us so near the verge of national ruin, that we should thus precipitate its destruction? Where are the evidences of general distress? Rather may I not ask, where are not the evidences of general prosperity—a prosperity unexampled in the history of this, or any other country? Sir, this change should not be made without reasons, so strong, and so deeply fastened in the convictions of the people, as to find utterance here, through their primary assemblies. And have they thus spoken to us? Have even their representatives risen up in their places here, and undertaken to speak for them? Whose voice has been heard in an attempt to convince us that the protecting policy ought to be abandoned? Sir, it would seem that we are no longer to be reasoned with on this subject. But one of the States of this Union, while her representatives on this floor are silent, as if by instruction, places herself upon her "reserved rights;" and, instead of saying to us —you ought not to execute your protecting laws, says, in a tone of proud and insulting defiance—you shall not!! The question, then, and the only question for us to decide, is—shall we yield to this argument?

It has been said, sir, that the Committee of Ways and Means, in reporting this bill, "took counsel of their fears." In repelling this charge, I was glad to hear the honorable chairman of that committee do justice to the courage which dares to do right, at the hazard of incurring the imputation of cowardice. Sir, I am far from believing that the committee yielded to any thing allied to personal fear. There is a just fear, a fear of inflicting injury on the country; and there is, too, a just pride,

which, I think, the honorable chairman of the committee should have substituted for the "false pride" which he imputed to those who refuse to act under the influence of menace. The "fear" of the committee, and the "pride" of others, I am willing to believe, amount to the same thing, and resolve themselves at last into the question—what is, on the whole, best for the country now, and in all time? This is the question for us to determine. Neither personal pride, nor party pride, nor party purposes, should have any thing to do with it. This is the time to try our principles, to throw off the shackles of party, to cease from man worship, to look deliberately over the broad face of our country, with a just regard to the interests of the whole and of every part, and with a deliberate view of all the consequences, near and remote, of our legislation.

I must, Mr. Chairman, be permitted to express my regret that the gentleman from Georgia [Mr. WILDE] has, on this occasion, thought proper to invoke the spirit of party. After a significant appeal to the friends of "a certain distinguished individual" in the State of New York, to yield their support to this bill, he told them that "the question must be settled now, lest the power of settling it be placed in other hands." Sir, I say, unhesitatingly, I care not who settles this question, provided it be settled right. And if I am asked who I believe will be most likely thus to settle it, I answer, the people. I protest against committing this patient to the charge of political doctors. Let it have the fostering care of its natural parents, and it will be reared up to maturity in sound and healthy proportions. Give it up to the doctors, and if it survives their experiments, it will do it only to linger out a miserable, rickety existence. For one, I am opposed to political tariffs. If the great interests involved in the protecting system are to be made the mere sport of party, then shall I despair of its permanency. But, sir, I believe that, if we will permit the people to have a voice in this matter, they will settle it right. In their decision I will cheerfully acquiesce. They have reared up the protective system; and whenever they determine to give it up, and go back to their former state of dependence, then, and not till then, will I consent to its abandonment.

But, Mr. Chairman, suppose we do not pass this bill—what then? Why, I am told we shall have a civil war, and a dissolution of the Union. Sir, I do not anticipate either of these consequences. By this I would not be understood to say that there may not be resistance to our laws, or that a single State may not secede. But I mean, that there will be no general war, nor any breaking up of this Union. Suppose a State should try the experiment of secession. The entire Union is not thereby dissolved. The bond which holds the other twenty-three States together, would not be severed—nor even weakened, except so far as the example of a single State might encourage others to rebellion.

I know the idea has been industriously propagated, that we are about to make war upon South Carolina. And it is thus that the war spirit in that State has been blown into a flame. But, sir, who thinks of making war upon South Carolina? Certainly not the United States. We have passed certain revenue laws, which extend to South Carolina, in common with all the other States of the Union. Instead of making war upon that State, we shall calmly set about devising the means of collecting the revenue. And in doing this, we shall go forward, with the decision, and moderation, and firmness of conscious strength and justice; so providing for the enforcement of our laws, as to collect the revenue beyond the reach of any force, but such as shall assume an attitude of direct and active hostility. Will South Carolina assume such an attitude? Will she attack us in our defences? Will she attempt to drive us from our fortifications, or grapple with our naval power? Let her try it! Sir, let her try it!!

But she has said she will secede, declare herself independent, and form a new Government. And suppose she does. Shall we then make war upon her? I answer, unhesitatingly, No. But what shall we do? Why, sir, while South Carolina is forming a Government, we shall be collecting our revenue. But will South Carolina actually rush upon the alternative of throwing off her allegiance, and putting forth a declaration of independence? Independence! Has she weighed the import of that word? Sir, it is one thing to make the threat, but a very different thing to execute it; one thing to dream of leaping from the precipice, but quite another to plunge, with open eyes, into the fathomless abyss.

But, if she shall be mad enough to do it, what then? Why, the people of South Carolina will then begin to understand what independence means. They will then come to feel its benefits. The forbidden fruit, now fair to look upon, will have been tasted; and the eyes of that people will be opened; I need not finish the comparison. South Carolina has been deceived—deluded: and, perhaps, there is no other way to dispel that delusion than to let her grasp the object of her pursuit. Sir, the delusion must be, will be dispelled. The bare majority which now rules the State with a rod of iron, cannot retain its power. Her Government will be placed in other hands; and South Carolina will come back to the fold again. But it is hardly necessary for me to say that, to secure this result, your measures, and their execution, must be marked with a mild, prudent, steady, unflinching firmness. Sir, decide without wavering. Go steadily and fearlessly forward, and leave the event, where you should leave every thing, in the hands of Him "whose path is the great waters, and whose footsteps are not known."

But I am asked, do you support this administration? How, says the gentleman from Georgia, [Mr. WILDE,] will these new allies look at each other when they suddenly find themselves in fraternal embrace?

Mr. Chairman, I have opposed the administration of Andrew Jackson; and the world knows the ground of that opposition. I now support it in the doctrines it avows, and the measures it recommends, with regard to South Carolina; and the world shall know the grounds of that support. My opposition and my support are both founded on the same general principles. The leading measures which I have opposed, I believed, and still believe, were, and are insidiously undermining the constitution. But against the very pillars of that constitution has South Carolina blindly placed her hands, and threatened its utter prostration. And when the Chief Magistrate asks my feeble aid to save the constitution, thus assailed, he shall have it. I am not at liberty to refuse it. I will not refuse it. I go, sir, for the constitution. The gentleman from Georgia taunts us with "giving in our adhesion," as though there could be no support given to a measure of the administration, without going over to it, body and soul. I beg permission to assure the gentleman that I can give in no such adhesion to any administration. The "right or wrong" maxim I can apply to nothing but my country.

But, Mr. Chairman, we are told that the whole South will be united with Carolina in the resistance which she threatens. Sir, I do not believe it. There is too much sound sense and patriotic feeling to permit it. If, indeed, the people of the South could become converts to the opinions of the gentleman from Georgia, they might resist. If they could see the analogy which he sees, between the measures of which Carolina complains, and the grinding oppressions which produced our declaration of independence, they might resist, even to blood. But, sir, I must be permitted to think better of their intelligence. Who, among them, would not be utterly confounded, in an attempt soberly to draw up a declaration of

Southern independence, with a recital, in substance, of the causes set forth in the preamble to the declaration of 1776?

But let us consider, a little more particularly, the probabilities of a Southern Union to resist the laws and overturn the Government.

I am not aware that any one has ever undertaken to place the right of secession, or nullification, upon slighter ground than that of a "deliberate, palpable, and dangerous violation of the constitution;" not an infraction which is to be proved by hair-splitting, but one that is deliberate, palpable, and dangerous. Now, sir, what is the pretended violation of the constitution in the present case? The exercise of a power to regulate commerce, so as to give encouragement and protection to domestic industry; a power which, as I have before observed, was distinctly claimed and exercised by the first Congress, and which has received the explicit sanction of every President, and of almost every Congress, from that time to this; a power, whose existence has not, in fact, been so much as questioned until within the last ten years. Such is the power whose exercise is now to be treated as a violation of the constitution, so palpable and dangerous as to justify nullification and secession; in fact, revolution. What a severe reproach is this upon the illustrious men who passed from the convention, that formed the constitution, into the first Congress; upon all our chief magistrates, and upon the whole country, including its most distinguished statesmen, of every political faith. It is against this overwhelming current of authority that South Carolina stands up, buckles on her armor, and calls upon the whole South to sustain her! Will she, can she, be sustained?

But there will, we are told, be a strong sympathy in the cause of South Carolina, oppressed South Carolina. How is that sympathy to be excited? By what means is the flame, which has been kindled in that State, to be spread throughout the Southern section of the Union? Is it expected that the theory that exports pay the duties, is to bewilder the whole South, as it has a majority of the people in Carolina? Sir, this delusion has had its day, and met with the fate of thousands which have gone before it. It has, indeed, done its work in South Carolina; but that it is capable of so perverting the judgment, and exciting the passions of the great mass of the Southern population, as to bring them up to the point of revolution, I am not prepared to believe.

If, sir, we will dismiss unmanly apprehension, and look at this subject coolly, I think we shall be slow in coming to the conclusion to which some alarmists would carry us. By what process, let me ask, are the Southern States to arrive at the fatal point of dissolving this Union? By none, certainly, which will not include the agency of State conventions. Now, let me suppose a convention to be called, for example, in Virginia. I am not at liberty to suppose that it will come to the resolution of seceding, without ample discussion and patient deliberation. And how may we suppose the friends of Union would meet the proposition to unite with South Carolina in resisting the laws and dissolving the Union? Would they not press, with irresistible force, the fact, that South Carolina had unnecessarily precipitated this crisis? that she had assumed an attitude of armed resistance at the moment of relief from a considerable portion of her alleged burdens? Sir, do you believe that Virginia is going to join in rebellion at the moment of experiencing the benefits of the law of last July, which abolishes the minimum valuation of woollens, of which she has complained, and admits nearly the entire consumption of her negro population almost free of duty? Did the law which, besides embracing these provisions, made large reductions* on nearly fifty protected articles, which enter more or less into the consumption of the South, evince no disposition to listen to its complaints?

It is true that law did not surrender the principle of protection. But is Virginia prepared to demand that surrender at the point of the bayonet? Impossible! She cannot become so infatuated as to forget the origin and history of the protective policy. She cannot, if she would, obliterate from the records of that history the votes and opinions of her most distinguished statesmen. I will not repeat the abundant evidence which has been brought forward on this point. But I will ask the indulgence of the committee while I advert to one piece of testimony, which has not, I believe, been alluded to in this discussion. On the 7th of June, 1809, the following resolution was adopted by the House of Representatives of the United States:

"*Resolved*, That the Secretary of the Treasury be directed to prepare and report to this House, at their next session, a plan for the application of such means as are within the power of Congress, for the purpose of protecting and fostering the manufactures of the United States; together with a statement of the several manufacturing establishments which have been commenced; the progress which has been made in them, and the success with which they have been attended; and such other information as, in the opinion of the Secretary, may be material in exhibiting a general view of the manufactures of the United States."

Upon this resolution for "protecting and fostering the manufactures of the United States," the votes of the four Southern Atlantic States, in this body, stood as follows: Virginia, yeas 12, nay 9; North Carolina, yeas 8, nays 3; South Carolina, yeas 6, nay 1; Georgia, yea 1, nays 3. Total, yeas 27, nays 16.

This resolution, I need hardly say, is in perfect accordance with the general current of public opinion at the South during the first thirty years of this Government; with the recommendation of "protecting duties and prohibitions," by Mr. Jefferson; and the subsequent recommendation of manufactures by Mr. Madison, to "the prompt and constant guardianship of Congress;" and let me add, has been, since, most fully and unequivocally sustained by a distinguished son of South Carolina, who is, at this moment, pressing opposition to the protecting system, to the fearful alternative of its total abandonment, or a dissolution of the Union. Permit me, sir, to trouble the committee with a few extracts from his recorded opinions on this subject. In his speech on the tariff bill of 1816, Mr. Calhoun said:

"What is more necessary to the defence of a country than its currency and finance? Circumstanced as our country is, can these stand the shock of war? Behold the effect of the late war on them. When our manufactures are grown to a certain perfection, as they soon will, under the fostering care of Government, we will no longer experience these evils. The farmer will find a ready market for his surplus produce; and, what is almost of equal consequence, a certain and cheap supply of all his wants." * * * * * * *

"To this distressing state of things there are two remedies, and only two; one in our power, immediately, the other requiring much time and exertion, but both constituting, in his opinion, the essential policy of this country; he meant the navy and domestic manufactures. By the former, we could open the way to our markets; by the latter, we bring them from beyond the ocean, and naturalize them in our own soil."

"Manufactures produce an interest strictly American, as much so as agriculture. In this it had the decided advantage of commerce and navigation; and the country will, from it, derive much advantage. It is calculated to bind together more closely our widely spread republic.

*Averaging about 50 per cent.

It will greatly increase our mutual dependence and intercourse, and will, as a necessary consequence, excite an increased attention to internal improvement, a subject every way so intimately connected with the ultimate attainment of national strength, and the perfection of our political institutions. He regarded the fact that it would make the parts adhere more closely, and that it would form a new and most powerful cement, as far outweighing any political objections that might be urged against the system."

"In regard to the question how far manufactures ought to be fostered, Mr. C. said that it was the duty of this country, as a means of defence, to encourage the domestic industry of the country; more especially that part of it which provides the necessary materials for clothing and defence. * * * The question relating to manufactures must not depend on the abstract principle that industry, left to pursue its own course, will find, in its own interest, all the encouragement that is necessary."

I might multiply extracts of the same import, but I forbear. Suffer me, however, to advert for a moment to the opinions of another distinguished statesman of South Carolina, now on this floor,* in regard to the right of nullification. They are embraced in a series of numbers published in 1821, and accompanied by the explicit recommendation of another distinguished individual, who is now President of the nullifying convention.† I will detain the committee with but two or three extracts:

"The General Government is truly the Government of the whole people, as a State Government is of a part of the people. Its constitution, in the language of its preamble, was ordained and established by the people of the United States."

"A man who will contend that our Government is a confederacy of independent States, whose independent sovereignty was never, in any degree, renounced, and that it may be controlled or annulled at the will of the several independent States or sovereignties, can scarcely be regarded as belonging to the present generation. The several independent sovereign States control the General Government! This is anarchy itself."

"The States, as political bodies, have no original inherent rights. That they have such rights, is a false, dangerous, and anti-republican assumption, which lurks at the bottom of all the reasoning in favor of State rights."

"If, after the National Judiciary have solemnly affirmed the constitutionality of a law, it is still to be resisted by the State rulers, the constitution is, literally, at an end; a revolution of the Government is already accomplished; and anarchy waves its horrid sceptre over the broken altars of this happy Union."

Now, Mr. Chairman, permit me to return to the supposed Virginia convention, and ask if it be possible that it can breast this current of Southern acts and Southern opinions, and solemnly decide that the laws shall be resisted, and the Union dissolved, upon the assumption that a protecting tariff is palpably unconstitutional. Sir, the thing is impossible. Justice, honor, consistency—all forbid it. Should Virginia do it, the very marble which bears the images of her illustrious dead, would break forth in indignant rebuke of her madness. Such madness, I know, exists in Virginia as well as Carolina. But that it can ever take possession of a majority of her statesmen, or her people, I will not admit to be possible.

But suppose I am mistaken; and that Virginia, disregarding the opinions of those she has been accustomed to reverence, and reckless of her own consistency, should seem ready to take the fatal step. Is there no other obstacle? Are there not peculiar hazards to be encountered in Virginia, as well as in all the South, which may well make the stoutest hearts tremble? Is the power of our arms the only power to be feared?

But, sir, there are other reasons why this Union will not be dissolved. There is, after all, every where, a deep and pervading conviction of its inestimable value. There may be moments of madness, indeed, when this conviction may almost cease to exert its power. The surface of the waters may be, for a while, disturbed by the tempests of passion. But the fountains of the great deep are not so easily broken up. There exists beneath the troubled surface a strong and steady current of patriotic feeling—of attachment to the Union: an attachment strengthened by a recollection of common dangers and sufferings, and a conscious enjoyment of common blessings, too precious to be lightly put at hazard. I do not, for I need not dwell upon the power of this Government to overcome resistance to its laws. That power exists. It can, and must, and will be exerted, in the last resort. Its existence or its capacity need not, however, be vaunted in this argument. But there is a moral power in the sound intelligence and sober judgment of this great community, which is more formidable than an army with banners. It finds no place, indeed, in the battle field, amid the strife of arms, and the fiercer strife of human passions. But it enters the abodes of peace. Its whispers are heard upon the midnight pillow. It penetrates the secret chambers of the soul. It takes hold of the conscience—moulds the judgment—subdues the heart. And may we not hope that Carolina, even Carolina, will yet be redeemed, regenerated, and disenthralled, by its resistless power?

A few words, Mr. Chairman, upon the consequences of yielding to the menaces of South Carolina.

In the first place, sir, it is surrendering the protecting system; and this, not altogether by the reductions of duties for which this bill provides, but by the power which the act of submission gives to nullification to control all future legislation on this subject.

But the protecting system is not the only sacrifice. We yield something of more value than the tariff. We, in effect, sanction a principle, whose inevitable tendency is to work an entire change in the character of this Government, to subvert its very foundations, and prostrate it at the feet of unlimited State sovereignty. I will not, on this occasion, and especially at this late hour, detain the committee with an attempt to go over the broad field of discussion which this subject presents. But with your permission, sir, I will suggest, very briefly, one or two views connected with it.

The great principle which lies at the foundation of all our political institutions is, that the people are sovereign—that is, that they possess, individually, the right of self-government. Now, it is contended that the constitution of the United States is the creature of this original, individual sovereignty, and not of State sovereignty. What, sir, is State sovereignty? It consists, essentially, in the right of a community, associated for the purposes of government, to make laws which shall bind every member of that community. This right has no existence, antecedently to the act of association. It is a corporate right, derived through, and entirely dependent upon, the constitution. Without the existence of such constitution, in some form, there can, indeed, be no such thing as a State, or State sovereignty; and no act can be regarded as emanating from that source, which is not done under, or in virtue of such constitution.

Now, no State constitution conferred, either on the Government, or the people of any State, the right of ordaining and establishing the constitution of the United States. The act of doing this was, from its nature, an act of primary sovereignty—the same as that by which the people originally formed the State constitutions, and constituted the State sovereignties. Instead of being

* Mr. McDuffie. † Gov. Hamilton.

done under the State constitutions, it was in defiance of them; being a resumption, by the people, of a portion of the powers which, in virtue of those constitutions, had entered into, and made part of the State sovereignties. It was, therefore, in the highest sense, the act of "the people." And in performing it, moreover, the minority were not, as in the case of an act done for State purposes, in pursuance of a State constitution, necessarily bound by the decision of the majority. There was no existing obligation to that effect. In reference to this investment of power, their assent—the basis of free Government—had been neither expressed in the State constitutions, nor implied in their acquiescence in them, because those constitutions contemplated no such investment.

Looking, then, at the origin, only, of the constitution of the United States, it would seem to be, in the highest sense, a popular Government, and not a league of sovereign States. But the correctness of this position, it seems to me, is rendered still more apparent, by a reference to the nature of the powers conferred by that constitution. The "people of the United States," by that instrument, vested legislative power in a Senate and House of Representatives; executive power in a President; and judicial power in a Supreme Court. Now, do not these powers appropriately, and exclusively, belong to any Government, in the popular acceptation of that term? Who ever heard of a league between sovereign States, which made provision for the exercise of such powers in such terms? The constitution is, moreover, in respect to the distribution of these powers, and the terms in which they are described, in precise analogy to the State constitutions; and, to the extent of the objects in regard to which it is provided they shall be exercised, are of precisely the same nature, and bear to each other the same relation.

Without examining further the question whether these powers were conferred by the people in their original sovereign capacity, or by the States, it is sufficient to say, that if the constitution, which provides for their exercise, has any binding force, and the grant of them any intelligible meaning, they must, of necessity, be supreme. The constitution expressly provides that "this constitution, and the laws made in pursuance thereof, shall be the supreme law of the land, any thing in the laws of any State to the contrary notwithstanding." To maintain that the laws of the United States are supreme, the laws of any State to the contrary notwithstanding, and yet that they may be controlled and nullified by "any State," is a palpable absurdity. They are, in fact, supreme, the laws of all the States to the contrary notwithstanding. The concurrent enactments of every Legislature in the Union cannot make them void. The power that made them can alone unmake them.

It is assumed, however, that certain pretended laws are not laws, because not made in pursuance of the constitution; and that, therefore, a State may declare them void and resist them. But who is to give to that assumption the force of authority? In other words, how is it to be rendered legally or constitutionally certain that what is assumed to be true is true? Until that certainty is produced, it remains a mere assumption, to which no more importance is to be attached, when made by a State, than when made by an individual. Whose decision, then, is to give authoritative certainty to the assumption? Obviously, the right to make such decision can exist—except upon the ground of revolution—nowhere but with the power, wherever it be, which gave existence to the constitution. The supremacy of the laws made under it, would be but a mere shadow, if either a single individual or a single State possessed the right to deny their authority, and obstruct their execution. If "the people of the United States," who ordained and established the constitution, had provided no tribunal which could, in the exercise of its appropriate functions, decide upon the validity of the questioned enactment, then must it, of necessity, stand as law, until they decide that it exceeds the powers conferred by them. Such tribunal, however, they have provided. The constitution vests "the judicial power of the United States in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish." Now is it not an essential attribute of judicial power, that its decisions are final, and conclusive to the full extent of its jurisdiction? Does it not cease to be a judicial power the moment it ceases to possess the right of determining and settling what the law is? Is it credible that, if the framers of the constitution had intended that this ordinary judicial prerogative should be restricted, they would not have perceived the necessity of expressly imposing such restriction? Having failed to do this, by what authority can we define judicial power to mean one thing in the constitution of the United States, and another and a very different thing in the State constitutions?

Such, then, being the nature of the judicial power in question, and the constitution having provided that it "shall extend to all cases in law and equity, arising under the constitution, the laws of the United States, and treaties made under their authority," the question arises—does the same constitution either confer upon, or admit to exist in, every State in the Union, the same power? If it does, then are we involved in the absurdity of having cotemporaneous and authoritative decisions of a precisely opposite character; and which, instead of sustaining, or nullifying the law, would only nullify each other.

The truth is, the judiciary is, in this Government, what it is in State Governments—a constituent branch of the supreme power. There may be a league, but there can be no Government, acting as does this, upon individuals, without it, existing either in a separate department, or united with some other. If, then, a State may nullify the laws, it may nullify the decisions of the judiciary upon them, and, by necessary consequence, the judiciary itself—and, of course, the Government. The supreme power, instead of being in the United States, will be in each and every one of the twenty-four States; while the nullifying ordinance of a single State will become the "supreme law of the land," instead of the constitution of the United States, and the laws enacted by its Legislature, and expounded by its judiciary. If this is not what I have asserted nullification to be, a subversion of the Government, then has revolution no meaning and no power.

Mr. Chairman, will you sanction a doctrine fraught with such consequences? Better, far better, yield to the power of an ordinary insurrection. In that case, indeed, you submit to force; but in this, you add to that submission the sanction of a principle which will, henceforth, form a fixed rallying point for revolutionary efforts. You, in fact, legalize rebellion, under the deceptive and dangerous guise of State authority, and incorporate in your very constitution the absurd and impracticable principle that a minority shall govern.

Such, sir, must be the consequences of the passage of this bill, or of any bill, under circumstances which will compel the judgment of the world to pronounce it an act of submission to South Carolina. If the protecting policy is, indeed, wrong, abandon it. If your laws are so framed as to make its operations unequal, alter them. If your revenue must be reduced, reduce it. And if that reduction must necessarily impair protection, impair it. But yield to no nullifying threats, unless you intend to arm nullification with tenfold energy; unless you are prepared to change the whole structure and action of this Government, to see it divested of its moral power, and become the scorn and derision of the world.

But, Mr. Chairman, will our yielding to the menace of

South Carolina, and passing this bill, settle this vexed question. We may, indeed, procure by it a temporary peace. South Carolina will, of course, be quiet, if we yield to her demands. But is this such an adjustment of the question of protection as will permanently satisfy the great body of the people of the United States? Gentlemen talk of the passage of this bill as a compromise, which is to settle the question and give quiet to the country. Now, sir, who ever heard of a compromise when one of the parties was mute? And what do we hear from South Carolina? Who has spoken for her on this floor? Who of her delegation here has condescended to tell us that this bill will satisfy her?—that she will not, in fact, make its passage the occasion of urging demands of a still more humiliating character? She nullifies our laws; arrays her whole military strength to resist them; demands the entire and unqualified abandonment of the protecting system; and, in a tone of proud and insulting defiance, says that if we will comply with her demands, "in due time," and with a "becoming spirit," she will be satisfied. Beyond this, she is silent! And yet this bill, instead of being called by its right name—a surrender at discretion—is denominated a compromise!

But, sir, if South Carolina should consent to accept of this, and make it a compromise, would it settle the question? Do gentlemen believe that an arrangement forced upon us, extorted by insulting menace, can be permanent? Does not all history admonish us that it will become the prolific parent of future contentions? Sir, nothing but a free expression of the public sentiment, resulting from a deliberate examination by the people of the protecting policy, can really settle this question. It is utterly inconsistent with the genius of our Government that it should. The carrying, by a *ruse de guerre*, a measure affecting, so vitally as this does, the interests of the great body of the people, though it may serve a momentary purpose, cannot, will not satisfy them, unless they are prepared to abandon their high prerogative of governing, and submit to be governed. No, sir; if we really desire to have this question settled, we shall at once dismiss the consideration of this bill, and submit the whole to the judgment of the people. There will be ample time for them to deliberate, and full opportunity to exert their influence upon the councils of our successors. I am not afraid of their decision. Various causes may, indeed, contribute to make it what I should not altogether desire. But the decision, whatever it may be, will be their decision. They have a right to make it. Their interests are to be affected by it, either for good or for evil; and with it, if we will give them an opportunity of deliberating and acting like freemen, they will be satisfied.

Mr. S., after the expiration of the first hour of his speech, gave way to a motion by Mr. PEARCE that the committee rise: Yeas 40, nays 53.

There being no quorum, the committee rose, and reported that fact to the House.

The SPEAKER, having counted the members present, announced that a quorum was then in attendance, when Mr. WAYNE resumed the chair in committee.

Mr. PEARCE now renewed the motion that the committee rise, which was negatived: Yeas 46, nays 68.

Mr. SLADE then resumed his remarks, and, after speaking an hour and a quarter, he gave way to a motion by Mr. HIESTER that the committee rise, which was negatived: Yeas 45, nays 72.

Mr. SLADE then continued and concluded his remarks a quarter before 8 o'clock, having occupied the floor nearly five hours.

Mr. I. C. BATES then rose, and said: The question immediately before the committee, the policy of reducing the duties on tea in the manner proposed by the chairman of the Committee of Ways and Means, he did not intend to debate; but the motion of the gentleman from Connecticut, [Mr. HUNTINGTON,] to strike the whole duties on tea and coffee from the bill, he regarded as testing the preservation of the protective policy—a question of the utmost consequence, on which, notwithstanding the infirm state of his health, he should feel bound to offer some suggestions.

The question was then stated, on the motion of Mr. VERPLANCK, to strike out ten cents per pound on green teas, five on Souchong and other black, and three on Bohea, and insert five cents on green teas, three on Souchong and other black, and one and a half on Bohea; which was agreed to without a division.

Mr. BATES then moved that the committee rise, which was carried: Yeas 64, nays 60.

The House then, at half past 8 o'clock, adjourned.

WEDNESDAY, JANUARY 30.

Mr. ADAMS presented to the House a memorial and sundry resolutions from the Legislature of Massachusetts, strongly expressive of its dissent to the passage of the bill before the House to reduce the tariff.

The memorial was read, and referred to a Committee of the Whole House on the state of the Union.

NEW YORK CONVENTION MEMORIAL.

Mr. ADAMS inquired of the SPEAKER whether he had received a memorial addressed to the House by the tariff convention of New York, with a request to present it.

The SPEAKER replying in the affirmative,

Mr. ADAMS asked the consent of the House that it might be presented.

The House having assented,

The SPEAKER laid before the House a memorial from a permanent committee appointed by the New York Tariff Convention in opposition to the same bill.

Mr. ADAMS called for the reading of the memorial.

This was objected to by Mr. WILDE and Mr. CLAYTON, of Georgia; but the CHAIR decided it to be right, and the memorial was read accordingly, at the Clerk's table.

The reading having proceeded some time, the further reading was, on motion of Mr. ADAMS, dispensed with; and the memorial was referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

At a subsequent point of the morning business,

Mr. WILDE moved to reconsider this vote of reference, so far as it included not only the resolutions adopted by the Massachusetts Legislature, but also the report of the convention who had draughted those resolutions. He perceived that, in that report, the Committee of Ways and Means were charged with having reported a bill as one thing, which they knew perfectly to be, in reality, another thing, and a very different thing.

The further discussion of this motion was cut off, for to-day, by the expiration of the hour assigned to resolutions.

The House then proceeded to the orders of the day, and resumed the consideration of the

TARIFF BILL.

Mr. BATES, of Massachusetts, who had the floor, gave way, for a moment, to

Mr. ADAMS, who gave notice that, after his friends had had opportunity to express their views respecting the bill, and to offer their respective amendments, he should move to strike out the enacting clause.

Mr. BATES, of Massachusetts, then rose, and addressed the committee in opposition to the bill, as follows:

I observed last evening, said Mr B., that I consider the question arising upon the motion of my friend from Con-

necticut, [Mr. HUNTINGTON,] as a test question, decisive of the protective system, and of more importance, consequently, than any question that has come before the House, or is likely to come before it, a question of peace or war not excepted. It was on this account I was desirous of addressing the committee, at this stage, in the progress of the bill. And while I am up, I shall take the liberty to make a few remarks upon one or two measures connected with the bill, upon the general tendency and bearing of the bill, and its purpose and object. The little health and strength which I bring into this debate, will be a sufficient guaranty that I shall not detain the committee long.

When, during the last session, we were encountering the cholera, and neglecting our own affairs and families to midsummer, I little thought that our attention would be so soon recalled to this angry and disturbing subject. I should have thought that, in the transition from one condition of things to another, in our financial affairs, by which great national interests are to be affected, any Government, deserving the name of a paternal Government, would have been content to feel its way, carefully and cautiously, to see what those interests can bear, and not, by one audacious leap, put them all in jeopardy. The Committee of Ways and Means, however, have presented this bill to us, and we must meet it as well as we can. I am opposed to it in all its forms. I was opposed to the bill of 1832, because I thought it was not so good as it ought to have been. I am opposed to this, because it is incomparably worse than that. This, it seems to me, is ground broad enough, and firm enough, and open enough, for a man to stand erect upon, without being subject to any injurious imputation. And while my friend from Maryland [Mr. HOWARD] reverses by his vote today his decision of yesterday, nothing is more natural than that the idea of inconsistency should be the first idea that should occur to him, he will permit me to express my surprise that it is not the last he should wish to talk about.

The Committee of Ways and Means, when they presented their bill, accompanied it with a report upon which it is founded, in which they sensibly and justly remark, that "it is vitally important to all engaged in any of those numerous commercial, manufacturing, or agricultural enterprises, which are affected by changes in the rates of impost, now to know the intention and policy of this Government in regard to their several interests." Now, sir, if there be any one point of policy upon which the intention of this Government had been indicated, more distinctly than upon any other, and upon every other, from the foundation of the Government down to the close of the war, it is this, that the agricultural, manufacturing, and navigating interests of the country are to be protected against the rivalry and competition of foreign nations. The last war put the country upon its resources, and developed them, and was followed by the act of 1816, which was for the purpose of protecting the new creation of the war, and of the measures antecedent to it. That again was followed by the act of 1818; then came the act of 1824, then the act of 1828, and, finally, the act of 1832. By this act of 1832, it was established that the revenue of the Government was to be reduced to the wants of the Government; that it was to be derived from the duties imposed for protection, so far as those duties should be required for that purpose, and, therefore, you struck from that bill the duty upon tea and coffee. Many who hear me, will recollect that the chief difficulty, if not the only one we had, was in the apportionment of the duties. The policy of the Government was not only thus established by that act, but the intention of the Government was indicated in all the forms of legal enactment, sanctioned, of course, by the President himself. The Committee of Ways and Means seem to forget that it is necessary the policy of the Government should have a reach somewhat longer than a man's arm, and that the great interests of the country are not nimble, and cannot change their position oftener than the sun crosses the line. And if the honorable chairman of that committee complains that his bill fares worse at our hands than the weather did at the hands of Dean Swift, it is because his bill is more changeable than the weather, if not, in itself, more charging in its effect, and more chilling, malign, and deadly in its influence. If we are to have a new system oftener than twice a year, or at the commencement of every presidential term, we shall have systems enough, and we shall have nothing but systems. In this same paragraph the committee very justly remark again, "that uncertainty is worse than error in legislation." What a commentary this upon their bill!—the commentary of the committee upon their own act! It was only six months from the time this bill was reported, nay, not so much, not six, that you passed the act of 1832. How many voyages have been projected, and are in progress of execution, how much capital has been invested under the faith of that act, or how capital has been modified to accommodate itself to that act, no man can tell. And now, as has been well remarked, before the ink is dry upon the parchment of that act, "before the funeral bake-meats are cold," I will not say you have committed murder and matrimony, or that you have committed the one that you might commit the other, or contract any unnatural or unhallowed alliance, but you have reported this bill, which, if it has not the turpitude of murder in it, has death enough—death enough to satisfy the grave. You cannot produce an instance in the history of the deliberate legislation of the world to parallel this. In other countries, whatever commotions arise, and however stormy they are, the great interests of the people are held steadily to one course, and are comparatively but little affected by them. A British minister, who should present himself to the House of Commons in the attitude of the Committee of Ways and Means to this House, would be found in the minority upon the first vote, unless the men of Lancashire should happen to be in the field, and then I suppose Parliament would have to give up.

I desire to ask the chairman of the Committee of Ways and Means whether he does not call this "uncertainty" in legislation. And if he does not, I will thank him, with his philological knowledge, to tell me what uncertainty stands for in his report. Sir, it is uncertainty with a vengeance, and error too.

I have said that there is death enough in this bill—death to the great interests of the country—and I will proceed to show it. But it is not incumbent on the opposition to the bill to show this. The committee who propose the bill ought to show that it is consistent with, and promotive of, these interests, or it should have no friends here. Have they shown it? No, sir, nor attempted it: for what they have done does not deserve to be dignified with the name of an attempt. If they allege that their commission is financial, why, then, has not this bill been sent to the Committee on Manufactures for their examination, report, and judgment upon it? Or why has not the progress of it been arrested until the evidence which was taken at the last session, at much expense, could be printed, that we might have the benefit of it? Why was the bill urged on to its passage without even notice to those interested in it, and to be affected by it, of its pendency? I have many a constituent, who had rather be scourged at the post, or put in a pillory, or shut up in a jail, than that you should pass this bill, because, in the one case, he alone would suffer, and, in the other, he and his family will be involved in a common ruin. It is no answer to say that the people now have notice of the pendency of the bill. The time that has been allowed them has been extorted from the committee, and not conceded by them.

The bill is founded upon no petition or application from the people. It springs from the brain of the committee, or the promptings of others than the people. I mistake; it is said there has been one petition from Pennsylvania—one leaf in the air showing which way the wind blows, and so near the branch—the discerpt branch—covered with its decaying leaves—as to leave no doubt whence it came from, and as little as to the purpose for which it is abroad. But I will proceed, notwithstanding, to make good my position, that this bill will be ruinous to some of the most important interests of the country.

I shall confine myself to two, in my remarks upon this occasion, availing myself of some other opportunity, if need be, to ask the attention of the committee to others. And yet I am not sure but I misjudge, and that the better I succeed the more sure the bill will be to pass. If it were not known that there are such interests as those to which I allude, I would say to them as the Greek admiral said to his sailors when in a storm, they fell upon their knees, and went to calling upon their gods, "Peace, you dogs, don't let them know you are here." Bion's sailors, however, were wicked fellows; but these interests are hard working, honest interests, entitled to the favor of the gods, even, unless they be remorseless gods, delighting in human suffering. My first position, then, is, that this bill will destroy the woollens manufacture.

Mr. B. then stated that the duties upon woollen cloths, that come into competition with our own, have been as follows:

Before the last war the duty was 15 per cent.
By the act of 1816, it was 25.
of 1824, 33⅓.
of 1828, from 45 to 66, 90, and 112 per cent.

You imported in 1831, of cloth of less value than 35 cents the square yard, to the amount of - - - -	$1,005,660
Over 35 cents the square yard, - - -	5,893,023
Of blankets costing not over 75 cents, -	650,000
costing over 75 cents, - -	650,000
	$8,198,683

Now note; by this bill the million of dollars worth of goods that were imported in 1831, paying a duty of from 45 to 66 per cent., you admit at a duty of five per cent. This is 20 per cent. less than the act of 1816, and 10 per cent. less than the duty before the war.

By this bill the near six millions of dollars worth of goods that were imported in 1831, paying a duty of from 45 to 112 per cent., you admit at a duty of 20 per cent. This is five per cent. less than the act of 1816.

The six hundred and fifty thousand dollars worth of blankets that were imported in 1831, at a duty of 35 per cent., you admit at a duty of five per cent. This is 30 per cent. lower than the act of 1828, and ten per cent. lower than the duty was before the war.

The six hundred and fifty thousand dollars worth, imported at a duty of 35 per cent., you admit at a duty of 15 per cent.

He then proceeded—

Now, Mr. Chairman, let it be remembered that these low duties of five per cent. and twenty per cent. are ad valorem duties—that they are to be assessed upon the value of the cloth in the foreign market, without any additional duty upon the cost of importation; that in most cases the value is to be fixed by the manufacturer, and with reference to the custom-house in this country, these goods being, to a great degree, shipped on his account; the difficulty, also, of detecting, with the best intentions on the part of the custom-house officers, an under valuation, and the committee will readily perceive that something short of the duty of five or twenty per cent. will be paid for their entrance. Let it further be recollected, that, with the duties which have hitherto existed, this interest has all along struggled against deep depression. How, then, can it be deemed possible that it can bear up against this bill? It is out of the question.

If it be said, then let it perish, permit me to remark, that the protection you have given it is not to be compared to that which you have given to cotton and iron, in nominal amount; and what you have given, did not begin to become effective until you had deducted therefrom the duties upon wool, dyestuffs, &c.; while from the protection given to cotton and iron, no deduction was to be made—the whole duty was effective.

But it has been stated that, under this bill, the reduction of duty upon wool, &c. will mitigate the severity of its operation upon the woollens manufacturer, and enable him to sustain himself. I deny that a reduction of duty upon wool ought to be made. We produced last year from fifty to sixty million pounds of wool. We imported only, of the finer quality, a little rising four million pounds. By this act you admit, free of duty, the coarser qualities of wool. Now, I venture to say, that our domestic supply, with the foreign wool which will be imported free of duty under this bill, will meet the demands of the manufacturer. Competition among the farmers will reduce the price of the article to the lowest point at which it can be produced; and that competition is now going on among the farmers of the different parts of the Union; and those who can produce the article the cheapest and best, will ultimately take to themselves the market. In this state of things, to reduce the duty upon fine wool, as proposed, would be an act of suicide, for which a man ought to be buried at the four corners, as unworthy of sepulture in a christian cemetery. At any rate, it would be an act of self-destruction, very unwise and very censurable. My friend from Maryland [Mr. HOWARD] was pleased to say that to put a duty upon wool and the woollens manufacture was absurd, and to protect both was impossible. And yet, in the course of his remarks, he labored to satisfy the committee that there ought to be a duty upon the importation of raw cotton, while all admit that the cotton manufacture ought to be protected. Now, sir, in both cases the principle is the same precisely. The only difference is, that the relative price of wool here, compared with the price abroad, is greater than the relative price of cotton here, compared with the price of cotton abroad. And if it be essential to our independence, or our prosperity, to cherish the one or the other, it is equally important that we should encourage the growth of the raw material, else in time of war the manufacture will be of no use to us, and in time of peace subject to many contingencies.

But allow to the manufacturer the full benefit of the reduction of the duty upon wool, and the other articles as proposed in the bill; then deduct from the twenty per cent. allowed by the bill, the duty on ten per cent. added as charges of importation under former acts; the increased price which, after all, he will be obliged to pay for his stock more than is paid for it by his competitor; the portion of duty which will be evaded at the custom-house; and the excess of wages, especially for male labor, there will be little or nothing left for his protection. Why, sir, the twenty per cent., other things being equal, is not so much as the fluctuation of the market—the sea wall is not so high as the tide rises. No man, therefore, will make his garden by the side of it, for the very obvious reason he will have no security that he shall derive any benefit from it. At twenty per cent. the sweepings of the warehouses and manufactories of Europe will be thrown in upon us; a surplus, whenever it occurs, will be sent hither, and sold for what it will fetch; goods will be consigned to this market, as the vicissitude or exigencies of trade may require, or as commercial or manufacturing rivalry may prompt. The manufacturer will have no security of

the market; capital will not be invested in this department of business, for it seeks safety, rather than excess of profit. And I put it to the committee, if, during the last year, with a specific duty of at least forty-five per cent., ranging upwards on the line of minimums, to a hundred and twelve per cent. you imported over eight millions of dollars worth of woollen goods, what are we to hope from this bill, with an ad valorem duty of five per cent. on coarse cloths, and twenty per cent. on others, or any bill approximating to this? There can be but one opinion about it, and yet there is no interest more essential in war as well as in peace than this--more essential to our independence or to our comfort. How was it during the revolution, when your army was in New Jersey, half naked, indicating the progress of their march by the blood from their feet? How was it in the last war, when you were obliged to dispense with your own laws in order to pay your annuities to the Indians, to keep the poor creatures from freezing? How was it with your own soldiery? And yet, according to the Committee of Ways and Means, nothing is necessary in war but iron; neither money, nor national resources, which are the sinews of war. You have only to send a soldier into the field naked, or plant him on the northwest angle of a fort in a December night, and put a cold iron in his hand, and that will keep him warm! I do the committee wrong; there is one other article: instead of a blanket, he is to take with him into the field a pot of coals! And these two articles, iron and coal, so far as I recollect, are the only articles protected as essential to our independence in time of war.

My next position is, that the bill will destroy the wool grower. If the business of the manufacturer fail, that of the wool grower fails of course; but in case the manufacturer can survive the bill, the wool grower cannot.

Before the last war wool was free of duty.

By the act of 1816 it was 15 per cent.

By the act of 1824 it was raised to 30 per cent.

And by the act of 1828 to four cents specific on the pound, and 50 per cent. ad valorem.

You imported, in 1831, of wool valued at less than eight cents, over a million pounds, and of wool valued at more than eight cents over four million pounds.

By this bill the million that came in at a duty of 50 per cent. and four cents specific, is admitted free of duty; 15 per cent. less than the duty of 1816.

The four millions that came in paying a duty of 56 per cent. will be admitted at 15 per cent.

Four million pounds of wool were imported during the last year, of the finer qualities, chiefly from Spain and Germany. It was clean wool, losing only from four to five per cent. in the perfect cleansing for the use of the manufacturer. It cost, as appears from the custom-house returns, a fraction over twenty-eight cents the pound. The charges of importation, as my commercial colleague tells me, may be put down at four cents the pound, to which add the duty of 15 per cent. on the cost abroad, making the price here about thirty-six cents the pound. How this can be afforded so cheap, I shall not now detain the committee to explain. It is sufficient that the fact is so. Our flocks yield upon an average two and a half pounds a head, which, at thirty-six cents, is ninety cents for the fleece. From this deduct 20 per cent. for cleansing to make it equal to the imported wool, for our habit is only to wash the sheep in brook water, and the fleece will lose from 20 to 30 per cent. in the process of cleansing at the manufactory, which will be eighteen cents, leaving seventy-two for the fleece. Now take into account the value of these flocks, which in many instances cost the proprietors of them large sums, or make no account of it, and take into account only the expense of keeping winter and summer, of washing and shearing, of transporting the wool to market, and often of a commission on the sale, you will scarcely have left of the fleece enough to pay the expense of keeping during the summer. The mutton is no object. I am not therefore surprised that the honorable chairman should dislike to see his worthy colleague, [Mr. Root,] at the head of the Agricultural Committee, driving down his flocks from the Delaware mountains. And he will give me leave to add, that I think he will be quite as glad to see the flocks as the proprietors of them will be to see him, after the passage of this bill, unless he is more regardful of their interest.

One word now, Mr. Chairman, if you please, as to the magnitude of these interests. The capital employed in the woollens manufacture has been estimated, upon pretty correct data, to be forty millions. My colleague [Mr. Davis] showed, at the last session, that a dollar employed in the woollens manufacture gives employment to five dollars of agricultural capital; that is, to two hundred millions. The sheep, upon an estimate in 1831, were twenty millions, producing fifty million pounds of wool. The annual product of this wool, as it comes from the hands of the manufacturer, is worth more than the entire cotton crop of the country. Of this annual product, five-sixths are agricultural. It is at this interest this bill strikes. I call upon the chairman of the Agricultural Committee, and on the friends of agriculture, if it has any friends here, to defend and protect it.

What will be the effect of this bill, and the overthrow of these interests? Upon the reduction of the revenue to be accomplished by this bill, the Committee of Ways and Means, I will not say they break out in strains of patriotic exultation, but they say, that "the people will have all the necessaries and comforts and luxuries of life, and have them in greater abundance and of superior quality." The farmer, instead of one coat, is to have two; instead of homespun, they are to be of British, or German, or French texture. "Instead of the thorn, is to spring up the fir tree; and instead of the brier, the myrtle tree." The millennium of free trade is to come. But they conclude the paragraph in their report, to which I refer, by telling us that we shall have an increased importation annually of from eight to twelve millions. Now, Mr. Chairman, I desire to propound to you the question, how are we to pay for this increased importation, with diminished means? I know that the committee count upon the reduction of duties; but it will be perceived that the increased importation will far exceed any possible saving, from the nominal reduction of the duties. And let me remark further, that these duties, although in form, are not, in fact, paid by the consumer, nor by the country, but to a considerable extent are in effect paid by the foreign producer, who is obliged to sell to us at a reduced price, in consequence of our high duties, or he cannot sell at all. And so far as the reduction of duties shall enure to the benefit of the foreigner, it will be a loss to us. This consideration enters deeply into the policy of deriving a revenue from impost, and has a direct bearing upon a fashionable theory that is now afloat in this country. I only allude to this subject, but cannot stop to pursue it. We are to have an increased importation, of from eight to twelve millions annually. How, with diminished means, I repeat, are we to purchase and pay for it? Can the proprietors of the woollen manufactures purchase and pay for more? They are not generally men of wealth, but men of small means, who have some acquaintance with, or skill in, the business, or capacity to superintend it. How are they to pay when you overthrow their establishments, and sink their fortunes, limited as they are, and turn them and their families upon the world? How are the operatives, many of whom are foreigners, and, with no other business, are dependent, they and their families, upon their labor in this for support: how are they to pay when you take from them their employment, and leave them

without means? How are the hundred thousand females who are employed in these establishments, and who are neatly and prettily dressed, as they should be, and who have their muslins and silks, and a dress besides for an occasion, with many of the little ornaments and luxuries of the toilet, and which they wear without a blush, for they have earned them, in an humble occupation, I admit, but the one that Providence has assigned them, and one that brings no shame, and leaves no regret: how are they to purchase and pay for more when they are thrown back upon the family mansion, where they are not wanted? How is the wool grower to purchase and pay when his flocks are scattered, not upon the Delaware mountains, but upon the mountains of this bill—the dark mountains of perdition to them all? How are the farmers to pay when you throw back upon them the manufacturing population, and, instead of one producer of wheat, you have two; instead of one producer of butter and cheese, you have two; and so on through all the departments of agriculture, when, with a greatly increased production, there will be a diminished demand for it? How is the owner of navigation to purchase and pay for more, when, instead of freight for ten tons imported or transported for the use of the manufacturer, he shall receive freight for one ton in the form of a bale of goods? And when the country can neither purchase nor pay, I will thank the chairman of the Committee of Ways and Means to tell me how the cities are to do it. They cannot; none can purchase or pay but your men of salary, of capital, of bank stock.

This bill ought to be entitled "a bill of sale and transfer of the poor and middle classes to the rich." And, before it performs this ungracious office, it will perform another still more so, that of depressing and annihilating value. First, will come upon the country a pressure for money, and with it distress; and, if the importations continue, universal bankruptcy will follow. Mr. Chairman, I am inflexibly hostile to any measure tending in the least degree to bring the free labor of this country into competition with the labor of other countries. It will follow, as certainly as effect follows cause, that we must work as cheap, live as cheap, and stoop as low as they do. I know well, that, for a time, the spirit of the freeman will give energy to the muscle of his arm, and he will struggle hard to bear himself, and those that God has given him, above this condition. But he will be obliged to yield to the dominion of this ever-active cause, slowly and reluctantly I admit, but yield he must. It may take a great while, many generations perhaps, for moral changes are slow, to put out all the lights of knowledge, that are now beaming from every cottage throughout our happy country, and refulgently and gloriously beaming; but one after another they will be extinguished, and with them the beacon light of liberty to the other nations of the world. This bill takes a giant's stride towards this result. The South will then find, too late for them and for us, that they have lost the best customer they ever had, and that it is the consumption of the North and East, the means of which the protective system has furnished, that has enabled them to sell such an amount of their staples as they have sold. Or, sir, another alternative will follow, to which I will but allude, lest what I may say be subject to misconstruction. When the free people of this country come to see how things are, by whom they are, and wherefore they are, and to realize the downward tendency, by feeling the effect of them, physical nature will make a throe and an effort to regain the height she has lost, and if she fails to do it, a storm will arise from the elements we are now compounding, and have been for years, of which no man who has been in this House, or acquainted with the public journals of the day, can be ignorant, that will break somewhere, and spend itself with desolating and terrific effect. You cannot depress a people that have once been enlightened and free, prosperous and happy, beyond a certain point, without igniting a mass, which you can no more control than you can the central fires that shake a continent to pieces. If you bring the free labor of this country into competition with the labor of other countries, one, and which I have no doubt, of these results will follow.

And now, sir, permit me to inquire, why is this bill proposed for our adoption? If there was any great and inevitable necessity for it, it might be borne as other evils are borne that cannot be avoided. I know the Committee of Ways and Means say that the act of 1832 will produce a surplus revenue, and that this bill is necessary to reduce it to the wants of the Government. But my friend from Connecticut, [Mr. INGERSOLL,] in an argument which I will not weaken by attempting to restate, and who is of the Committee of Ways and Means, and has given his acute mind to the subject, has shown that the treasury is now bankrupt, and will be on the 1st day of January, 1834, and on the 1st day of January, 1835. And he says that the committee, in showing a surplus, have made two false assumptions: first, that the bank stock will be cash in hand to meet the funded debt; and, secondly, that it is bad policy to have in the treasury cash to meet the outstanding and unsatisfied appropriations of Congress. The funded debt of seven millions falls due next year and the year after. And the committee assume that the bank stock of seven millions will be in hand to meet the payment. Now, it will readily occur to you, that we may not be able to sell our bank stock; or if to sell it, only at a loss. The bank may fail; for if, as intimated, by the administration, it be an unsafe place of deposite, the stock itself is unsafe. Your banking houses may be burned up; your vaults may be emptied by a thousand casualties. Disastrous vicissitudes in commerce may put it out of the power of the debtors of the bank to pay. You may recharter the bank and retain the stock; or you may incorporate a new bank and transfer it. Congress may not authorize the sale of the stock, and Congress will not. You cannot hope to be in funds from your bank stock in time to meet your funded debt. The committee might as well say that we can sell our ships, or our forts, or our guns, or any other property we have, to meet the funded debt, as to count upon a sale of our bank stock for that purpose. Nor is it bad policy to have in the treasury cash to the amount of the unsatisfied appropriations. In the earlier history of our Government, when we were poor, such was the invariable practice; and now we have become rich, is it wise or statesmanlike for us to go upon our credit? Would it be deemed improper for a private gentleman to have in his pocket money to pay his debts, for which he was daily liable to be called upon, "although it was not usual for his creditor to call quite so soon?" And can it be unstatesmanlike and unfinancial for the Government to do the like? But if it be proper for the Committee of Ways and Means to make both the assumptions they have done, is it so absolutely necessary that you should sell your bank stock, or so obviously improper to have money in your treasury to pay your debts, as to lay the foundation of a necessity for this bill at this time?

But if there be such necessity, which I deny, why is this bill reported in this form? I shall not go into the errors and inequalities of the bill in its apportionment of the duties among the different protected articles. If we can maintain the protective principle, I shall be content to trust to the honor, the justice, and the liberality of my tariff friends to make such an apportionment of duties as the magnitude and condition of the different interests may require. After what was said by my friend from Pennsylvania, over the way, [Mr. MUHLENBERG,] and what fell from my friend near me, [Mr. WATMOUGH,] I have no misgivings upon the subject. It was spoken as

Pennsylvania should speak. If this system is to be maintained, it must be as a whole in its symmetry and beauty. If it fail, there will be no one column, nor fragment of a column of the superstructure left to indicate the ruins. I cannot, however, but call the attention of the committee to one fact, not connected with the apportionment, but with the rule of apportionment, adopted by the Committee of Ways and Means. They tell us in their report, that they have arranged the duties in the bill, with the exception of the articles they name, from ten to twenty per cent., making the average duty to produce the revenue they desire, about eighteen per cent.; and they obligingly place the duty on woollens at the maximum duty of twenty per cent. My friend from Connecticut, [Mr. INGERSOLL,] some two weeks since, stated to the committee that the average duty to produce the result desired, including the expenses of collection, was rising of twenty-five per cent. And if this be so, and the Committee of Ways and Means, in arranging the duties, have acted correctly upon their own principle, the bill is wrong throughout. How is this, sir? The chairman of the Committee of Ways and Means, since the statement of this fact, has addressed the committee upon various other subjects, and said nothing upon this. His colleague from Pennsylvania, [Mr. GILMORE,] has also addressed the committee, without giving us any information upon this point. His other colleague from Tennessee, [Mr. POLK,] merged himself entirely among the documents. And his other colleague still from Georgia, [Mr. WILDE,] wandered among the classics, and lost himself in his admiration of Lord North, in a speech, the political morality of which I do not understand, and which, if I know any thing of my neighbors in New York, they will understand as little as I do—a speech partaking much more of the character of Sir Francis than of a Chancellor of the Exchequer; but as perfectly English as the noble lord whom he eulogized. I call upon the chairman of the Committee of Ways and Means, to inform us how this is. Is it as my friend alleges, or is it not? Have the committee, in the construction of their bill, made a mistake in the average duty, of six or eight per cent.? After eighteen months' attention to the subject, we have a right to be informed how the matter is, before we act upon it. No lubrication that can be given the bill, will induce the committee to swallow it with this error—this camel of an error, in it. My friend asserts, and will maintain, that there is this error in the bill. Will the chairman admit or deny it? I should like to hear from him in due time on this subject.

This brings me to the point to which I wish more particularly on this occasion to call the attention of the committee, and to what I consider as the protective principle. And in the first place I admit, and, so far as I know, my tariff friends agree with me, that you may reduce the revenue to the wants of the Government, and make the wants as limited or as liberal as you please. But we insist that the revenue shall be derived from duties imposed for the purpose of protecting the industry of the country, so far as that protection shall be needed. You claim by this bill a transfer of a portion of the duties from the protected to the unprotected articles, tea and coffee, which involves an abandonment of the principle on our part. The gentleman from Georgia [Mr. WILDE] puts it distinctly on this ground, and says "he shall vote against the bill" if this provision in it be rejected, showing that the reduction of the revenue is not the object, but the surrendry of a principle. We claim it, because, when the revenue is derived from duties on protected articles, we gain not only the revenue, but a resulting benefit to the industry of the people; and if it be derived from duties on unprotected articles, we get only the revenue and lose the resulting good. It is not pretended this transfer of duties from the protected to the unprotected articles will afford any relief to the South; and after the intellectual and annihilating speech of my friend from Ohio, [Mr. VINTON,] no one can believe that the South is disproportionally taxed. Far otherwise. Nor will it satisfy the South. No one tells us that it will. Why then is it found in the bill? I will tell you, sir; it is as the admission of a principle which the South will hereafter assert; and they will then say that upon this occasion, in tender consideration of the state of our manufactures and of our home industry, they only asserted, but did not enforce it. It is that it may be used as a fulcrum to the lever by which they intend to overthrow the system; as a temple step to their divinity of free trade. I therefore call upon my tariff friends to take a decided stand against it, shoulder to shoulder, in the confidence that we are right, that the ground we take is defensible, and that the people will sustain us. We ought not, we may not, and cannot recede from it, without bringing into question and endangering the whole protective system. Here, therefore, I repeat, we ought to take our stand and maintain it immoveably, influenced by no entreaty, and awed by no power to abandon it, or any portion of it.

But, sir, admit that there is a necessity for this bill to reduce the revenue, which I deny; admit that the bill ought to be in its present form, which no one will pretend; why is it proposed at this time?

In considering this question, it may be well to look a little out of the House, and see how the subject is viewed there; and what its relations and bearings are. I will give you an extract from the official journal of nullification in this city of the 14th instant, because I think it presents the matter truly. "South Carolina, believing that the tariff laws are unconstitutional and oppressive, has given Congress the alternative of their repeal, or acquiescence in her measures of nullification, or declaration of war." You must, therefore, repeal your tariff laws, or you will have nullification, and, if need be, war to enforce it. I give you another extract from the official journal of the administration, of the same date. "Mr. Calhoun had the honor of aiding Mr. Clay in building up the American system, but General Jackson has robbed him of the honor of pulling it down. If Mr. Calhoun's object was merely to be able to exclaim upon the equalization of the reduction of duties, 'I did it,' let him make the vain-glorious boast; but the American people now know, and history will hereafter tell, that it was another" who did it.

You perceive, sir, that it seems to be taken for granted that the American system is overthrown, and the question in dispute is, who shall have the honor of having done it. The alternative proposition of South Carolina is, a repeal of your tariff laws, or nullification, and, if need be, war; and this by the 1st of February. Now, you propose not literally to repeal, but to supersede and modify, by a new bill, the old tariff laws, upon which alone the ordinance of nullification acts, and to yield up a portion of your protection. And you make haste, you run to do it, clearing away all the business of the House, and laying the course open, that you may get in in time. I say, therefore, Mr. Chairman, that if, under these circumstances, you pass this bill, the American people will believe, and history will hereafter tell, that it was [nullification did it; that both you and the President quailed and cowered before it, and gave up to it. It will be in vain for you to tell them that, instead of repealing the tariff laws in form, you only modified them; and instead of giving up the protective principle, you only gave up a part of the protection, to secure which, is all the principle itself is good for. They will not understand this special pleading; they will say, as I say, that, under such circumstances, to give up any thing is to give up all. And they will believe that nullification has done it. They will believe so for these reasons: It was only the last ses-

sion you passed the act reducing the revenue to the wants of the Government; the act you passed reduced it more than the act proposed for the purpose by the administration; you established, by that act, the protective principle, by rejecting the duty upon tea and coffee. You contended that it ought to be satisfactory to the nullifiers; they said it was not, and took their position accordingly. And now, in order to create a necessity for a new act, they may do what the other did not—satisfy them; you assume that Congress will authorize the sale of the bank stock, which Congress will never do, and that it is bad policy to have money in your treasury to pay your debt, and that Congress will not divert from the public revenue the proceeds of the sale of the public lands, which Congress will do; and thus you zigzag to lay the foundation for this bill. You then call upon the same men who passed the act of 1832, to retrace their steps; and, without any unforeseen occasion for it, or any new occurrence, or any new evidence, or any new light from any quarter except that which beams from nullification, you reverse your own doings, and make haste in order to bring yourself within the day of grace allowed by the ordinance of nullification. Nay, more: From the time General Jackson was first named as a candidate for the Presidency, down to a very recent period, it was universally understood that he was friendly to the protective system. He was supported by his friends in my part of the country on that ground. Other gentlemen who hear me can tell how it was with them. I will not do him the injustice to suppose, for a moment, that he was capable of suppressing his opinion upon this great and interesting subject, or of dissembling or deluding the people with false hopes, or of permitting it to be done by others. If the capability had existed within him, the first vision of the high place to which he aspired should have annihilated it forever. A man qualified for that exalted station,

> "Would not flatter Neptune for his trident,
> "Nor Jove for his power to thunder."

Now, sir, I say that the people will believe that the nullifiers, aided by their anti-tariff friends over the river, or their anti-tariff friends aided by nullifiers, have not only overthrown the American system, but have changed the opinion of the President, and made use of him as an instrument by which to do it. Thus the people will not only believe, but history will record for all future time to believe, if she records the truth.

But I do not believe that the American system is overthrown, or can be overthrown without the aid of this House, as inconsiderable a body as we seem to be considered, and we are certainly made very small fish. My constituents believe that it was for the power of protecting our home industry, more than for any thing else, and for every thing else, that the constitution was formed; that it is in the constitution, and a part of it, vitally essential to their interest and wellbeing. And we shall not give it up to menace, nor to combination, nor to nullification, nor to secession, nor to war, even if that must be, unless the God of battles shall so decide it. No, sir, never, never. On this ground we stand, on this ground we fall. And I should not think that any man could be found, however demented by the curse of God, mad enough to wish to destroy this infant and fair creation of so much wealth, and greatness, and independence, of so much power, and glory, and honor to this country, as the American system has produced. Sure I am its friends will not.

This brings me back to the question whether we are prepared to surrender any portion of the protection which the great interests of the country so much need; and whether we are prepared, in order to do it, to retrace our steps, and place our names, as my colleague well said, in damning contradiction to ourselves. The one, a point of interest, deep as the foundation of our prosperity; the other, a point of national honor. I will do neither. I am willing to plant myself with my tariff friends upon this rock, and to let the wind blow, and the storm beat, in the confidence that it will be in vain.

But the honorable chairman of the Committee of Ways and Means, in a speech that did him credit as a man of taste and a scholar, and which, judging from the prematurity of its appearance in the journals of the city, was designed for the public, and well calculated to produce its effect from the charm of its style, and, I must add, sir, from the deceptive character of its positions, was pleased to say that we must "do justice and fear not;" and he puts this question: "Shall the majority of this House continue to impose upon the minority, even for another year, burdens which that minority believe to be oppressive, and this for the sake of collecting taxes which are no longer needed?" To this question, thus propounded, I answer, unhesitatingly, no; by no means. "The collection of taxes which are no longer needed," is no part of our object. And the gentleman must know that we maintain that the taxes are needed to defray the ordinary and inevitable expenses of the Government, and that there can be no surplus under the operation of the act of 1832, before the 1st of January, 1835. This is assuming what he assumes, that the calculations of the treasury are correct; and this we maintain by better arguments, as I think, than the assumptions to the contrary by the Committee of Ways and Means. The question then is, if fairly put, "Shall the majority continue to impose upon the minority burdens which that minority believe to be oppressive?" And to this, I answer, as unhesitatingly, yes; if they are needed for the protection of the industry of the country, and are not, in fact, oppressive, which, in both respects, is true of the tariff laws. Suppose the majority yield to the minority, and, by yielding, do their constituents a greater injury, in subverting their prosperity, than good to the minority, will the minority yield back? *A multo fortiori* they ought. If you are bound to yield to the minority, because they deem the tariff laws oppressive, why have you not done it before, when you could do it with honor? And why were you unwilling to do it until nullification brought you to your senses? What has been the practice of the Government upon this subject? When you imposed the perpetual embargo upon us, and fastened our ships to our wharves, until, as my friend from Rhode Island [Mr. BURGES] said, the ropes fell off; and when you covered our wharves and our streets with grass that could be mown, and produced an amount of sacrifice and degree of suffering at which the heart of Pluto would have relented, were there any relentings here? Did you relax the grasp by which you held us? When did you ever give up to us any thing? When Pennsylvania thought herself aggrieved, and undertook to assert what she thought to be her rights, did you give up? *Tempora mutantur.* It makes a great difference, Mr. Chairman, I perceive, from what quarter the wind blows.

But there is another answer to this inquiry. We admit that you may reduce your revenue to your wants, and make them large or small, as you please. But we claim that the revenue shall be derived from protective duties. You claim an abandonment of the principle, and, by this bill, a transfer of a portion of the duties from protection to non-protection. The amount, as the amended bill now stands, is small, made so for what purpose I will not say. When our fathers resisted the duty on tea, they did not trouble themselves about the amount of it. Will the duty on tea and coffee relieve the South? Not at all. Will it satisfy the South? Not at all. I have already stated for what purpose it is in the bill. But, according to the chairman of the Committee of Ways and Means, justice requires that we surrender it. Justice to whom? Justice to the South? Who imposed the tariff system upon us? Virginia and South Carolina, more emphatically than any

other States. They turned our industry into new channels, and left the old ones deep and broad and dry. They drove us from the ocean, when "our march was on the mountain wave, and our home was on the deep." And now, forsooth, they have found out that it was all unconstitutional, and that they are oppressed by their own doings, and require us to throw away our land gear, and into the water again. Let me ask the chairman, does justice to our constituents, who have committed their interests to our honor, to be by us defended and protected, who have invested their fortunes and estates under the faith of your laws, and following the lead of your laws, does justice to them require or permit that we should make this surrendry? that we should break down the barriers which have been constructed for their protection, and roll the tide of desolation over them? Or that we should permit one particle, even the smallest dust of the balance, to be taken from them, when it is taken avowedly for the purpose of prostrating them? Are we to be reproached by the honorable chairman, because, being a majority, we refuse to make this surrendry? Are we to be told that, having a giant's power, we make a tyrannous use of it? May not a giant, let me ask, use his power in self-defence? When the Philistines are upon him, may he not rise and shake himself? Or does justice require that he should give his head to the lap of the "Philistine Delilah," to be shorn of its glory and its strength, that he may be bound in fetters, and made sport of until he shall pray God to avenge his wrongs in the common destruction of himself and his enemies? Sir, I trust the majority of this House will not be wooed nor won to this by any art, or argument, or blandishment. In my judgment, if we make the surrendry required, we do an act of traitorous and recreant and ruinous injustice to our constituents; and I must be permitted to add, as it seems to me, from fear, or something worse.

A man meets me in the street, and demands my purse. Its contents are not mine, but my constituents', which they value above price, and which they have committed for a time to my custody. He looks fiercely at me and demands it of me. As farmer Ashfield says in the play, "I'll argufy the topic a little"—I am not afraid, that's clear, though I shakes some. It wont do for me to give up the purse from "personal fear," for that, as an honorable chairman says, is a "miserable weakness;" nor will it do to refuse to give it up "from the fear of doing right," because, although that is "an infirmity of a noble mind," I do not perceive that it differs much from "personal fear:" for if the "fear to do right!" be an infirmity of a noble mind, it would seem to follow that the fear to do wrong is an infirmity of an ignoble one. So I asserts and counts and analyzes the different kinds of fear, and goes on until I comes to the real statesmanlike, patriotic fear—and that, I says, will do; for if I refuse to give up my purse, nothing is more likely than that this fierce looking fellow will commit "a breach of the public peace," or he will do some other public mischief. At any rate there is great danger he will disturb the present subsisting tranquillity there is between me and him! So I gives up the purse upon the "patriotic fear." Now, Mr. Chairman, I may talk about my statesmanlike fear as much as I please: my constituents will believe that I was frightened out of my purse. And when they come to be told that, after all, this fierce looking fellow was not armed, and showed neither pistol nor dirk, they will almost swear, deacons and all, that I was an arrant coward. And let me tell my friend from Maryland [Mr. HOWARD] it will be of no use for me to say to them that they are all cowards themselves, or they would not think any such thing of me. They will persist in it, that I was either frightened out of my purse, or was confederate with the fellow, and balanced an old account or opened a new one, by giving it up. And let me say, further, sir, that they will never trust me again; and further still, they never ought to. I put this case, as the committee understand, of course, in illustration, and not as an identity.

If there be any gentlemen here from any of the States who have "debts of political gratitude" to pay, and who feel authorized and are inclined to make a sacrifice of the interests of their constituents in order to do it, let them take for the purpose lambs from their own flock, and not from their neighbors; let them sacrifice the interests of their own States, and not of others.

But, after all, Mr. Chairman, I have a firm conviction that these abused tariff laws, so far from being oppressive, are beneficial to the South, (I am not going into the subject, but only state generally,) in the new staple of sugar which they have given, and the consequently augmented demand and price for slaves and slave labor which they have created, and the immensely beneficial diversion, to the cotton region particularly, of the sugar lands from the cotton to the sugar culture, in the improved market they furnish for the staples and products of the South, and the reduced price at which they return to them many and most of the articles they have occasion to purchase. And there are physical indications of it, not to be mistaken, in the relative increase of their population, and the unrivalled thrift of many, and indeed most of the slave States, upon whom the tariff laws operate, as well as upon Eastern Virginia and South Carolina, and upon whom they would make and leave their impression, if they were "the withering curse" they have been said to be, and, above all, in this, that they continue to purchase many of the agricultural products of the other States, I speak now of South Carolina, paying freight, insurance, commission, and profit, for which their own soil and climate, and labor, are well fitted, finding the cultivation of their own staples so much more profitable than the agriculture of the other States, as to enable them to do it. Nevertheless, sir, if I could yield to the South what they deem to be oppressive in these laws, nothing would give me, personally, more pleasure than to make the concession. But I value the good opinion of honorable men too highly to expose myself to the contempt to which a surrendry of the rights of my constituents, and the great agricultural interests of the free States, would consign me, and the condemnation that would and ought, as a consequence, to follow and be stamped upon me. It is, therefore, sir, not to name a higher motive, out of the question.

Mr. PEARCE, of Rhode Island, obtained the floor, and commenced a speech against the bill, which lasted until eight o'clock. At half past five a motion was made for the committee to rise, but it was negatived: at seven another shared the same fate; yeas 35, nays 76. He was twice called to order by Mr. JENIFER, who quoted Jefferson's Manual to show that a member might not read extracts, or even his own speech, to a committee without its leave.

Mr. P. denied that he was doing either, and was permitted by the Chair to proceed.

The following is the speech of Mr. P. entire:

Mr. PEARCE said that his venerable friend from Massachusetts [Mr. ADAMS] had intimated to the committee that when he should give his views of this bill, he would move to strike out the enacting clause, that the strength of parties might be tested in regard to it. I have, said Mr. P., the consent of that gentleman for now doing what he had informed us he would do on a future day, and therefore move to strike out the enacting clause of this bill. The remarks I shall make will be in reference to the motion I have submitted—a motion which gives me the liberty, with great propriety, of stating my objections to every part, and all the provisions of the bill. I have not yet learnt, from the remarks of any one who has addressed the committee, that the bill, without essential amendments, is to be supported by any portion of those who reported it. Is it agreeable to the honorable gentle-

man, the chairman of the committee which reported it? Certainly not; for he has already moved one or two amendments to it, and has, as I understand, intimated a willingness to agree to or accept other amendments hereafter to be moved. Does it meet the views of his colleague, [Mr. WHITE,] coming from the same great emporium? We have on our tables the proof that it does not, for he has offered sundry amendments which have been printed, and on which, at the proper time, we shall be required to express our opinions. Is it, Mr. Chairman, agreeable to the views of another honorable member from the State of New York, [Mr. CAMBRELENG,] emphatically called the commercial representative, and I will not say incorrectly? No, sir; for in the remarks he made but a few days ago, he told his colleague, the chairman of the Committee of Ways and Means, that he differed from him, and was opposed to the protection which the bill would give to the article of iron. A gentleman from Connecticut, [Mr. YOUNG,] quoting the language of another gentleman from New York, informed the committee but two days ago that the Secretary of the Treasury would be satisfied with this bill with some important amendments. Then, sir, the head of the Treasury Department is not satisfied with it, as it was reported, nor have we any evidence of his being satisfied with it as it now is. I shall be able fully to show that it does not meet the views of the Executive, by a recurrence to his message sent to both Houses at the commencement of the session. The great difficulty is to ascertain how such a bill was ever submitted to our consideration. It may be a child of thirty fathers, but a natural child, with all its fathers unnatural, for not one of them has shown a disposition to foster or protect it. All who were of the committee which sanctioned the report of the bill, and from whom we have heard any thing since the commencement of the debate, have declined altogether its general defence; and some of them have refrained from even a notice of any of its provisions. The gentleman from Georgia [Mr. WILDE] addressed us in many languages, some of them living, but most of them dead; he spoke about nullification and South Carolina, but he did not say one word about any of the provisions of this bill, nor did he at all examine its provisions. Another gentleman [Mr. POLK] has condescended to read some documents from the Treasury Department, the testimony of some manufacturers in Vermont and New Hampshire, taken to show that the manufacturers could live and grow rich with no more protection than this bill would afford them. A gentleman from Vermont has informed the committee that all these swift witnesses, if not bankrupts at the time they testified, were found to be so soon afterward, perhaps before the papers to which they subscribed their names reached the Treasury Department. Looking into the debates of the other House, I found that an honorable Senator, referring to this bill, declared it a peace-offering to South Carolina; but unfortunately for us, Mr. Chairman, the dominant party in South Carolina are not satisfied with it, for it does not altogether abandon the idea of protection, and does not consequentiy remove their constitutional objections. Turning to another party in that State, the Union party, it will be found that they do not want this bill, for, in the language of one of its distinguished members, it will entail nullification on them forever, and make those triumphant there, who have arraigned the supremacy of the laws. I again ask, under whose auspices does this bill come before us, and where shall we look for its paternity? The chairman of the Committee of Ways and Means, referring to the manner in which the bill had been assailed on all sides of the House, tells us gentlemen are hard to please, and, in illustration of his views, tells the story of a man who was continually finding fault with the weather—it was always either too hot or too cold, too wet or too dry. Sir, no blame should be attached to us because we find fault with the bill: the gentleman will not condescend to enlighten us; we have to grope our way in the dark. By one view of the bill it may well be said it is too hot; by another it may with equal propriety be said to be too cold. A gentleman from Connecticut has with great ability shown, and his arguments have not yet been answered, that by following out the reasoning of the chairman of the Committee of Ways and Means in his report, if this bill should become a law, in less than eighteen months we shall have an empty treasury; that, to make out the estimate necessary to meet the actual wants of the Government, three millions, it is assumed, are to be derived from the proceeds of the sales of the public lands, and this too when a bill had passed the other House, and was on its way here to distribute those proceeds for a considerable time to come. A further assumption is found necessary, in setting down as money on hand the amount of two millions or more which has already been appropriated for specific purposes, and is liable to be called for at any moment, and when called for must be paid out. It has been also shown that the committee, in making their estimate of expenses, have fallen short of what will be found the real expenses for at least a few years, by nearly a million of dollars; and I refer, said Mr. P., to the sum which will be required to pay the pensions of the surviving officers and soldiers of the revolution.

Another gentleman, [Mr. APPLETON,] in an unanswerable argument, has taken another and a different view of the probable, if not certain operations of this bill. He has shown that, although its professed object is to reduce the revenue six millions, the data furnished by the committee lead to the inevitable conclusion that it will increase it one or more millions; that as you decrease imposts, you increase imports; and when you destroy your manufactures at home, you furnish a market for manufactures from abroad. I am indebted, said Mr. P., for a very plain illustration, in connexion with this argument, to what I read, a day or two ago, in a Rhode Island newspaper. A rope-dancer anxious to "raise the wind," and that too suddenly, put his tickets at a dollar each; his visiters were consequently few. He was afterwards advised to fix his price of admittance at fifty cents, and his profits were found to be more than twice as large as before; and when his doors were thrown open to all who could pay him twenty-five cents, he himself was astonished at his profits. Sir, who is prepared to say that if our imposts are reduced three-fourths, our revenue will not be increased? I will then say to the committee that this bill which satisfies no one, is advocated by no one, meets the views of no one, and promotes not one of the interests of the country, is urged upon our consideration under very singular and peculiar circumstances. In the whole history of our legislation, has there been hitherto any thing like it? We have been required to vote before we could hear from our constituents. We are called upon to adopt this bill at this short session, when at the last we spent six months in adjusting the tariff in a way, as I at the time thought, satisfactory to all the interests of the country except the manufacturers themselves. We are called upon for action when we have not received a single petition or memorial from those we represent, to repeal an act which has not yet gone into operation, and will not until the 3d of March next, and this under circumstances which entirely preclude the possibility of any light from home. Sir, when the people called, I have always been led to believe it would be time enough for us to act, and not until then. I appeal to those who were members in 1826-'7, and in 1828-'9, and who were here at the last session, to refer to those times, to show the difference in our situations, to legislate correctly then and now. We had then not only all the light and all the information which could reach us in the form of memorials and petitions from men and conventions, composed of the most

enlightened and practical men in the country, but witnesses on the stand and before the committees of the House; both interests were represented, and the information was not confined to one side of the question. Sir, how do we now stand? If there be any information, if there have been any calls from the quarter mentioned, it has not reached us; it may be locked up in the room of the committee who reported this bill—it may have reached them.

I promised, said Mr. P., to show, by a reference to the annual message of the President of the United States, that this bill would not have received his sanction. There is but little which that able State paper contains on the subject of the tariff, but what must meet with a hearty response from every patriotic American. Perhaps some thorough-going bigoted tariff men may file their exceptions to most of what the President says on this subject. I do not know any such in the State from which I come; if there be any, they will not find in me a faithful representative of what they may call their interest. Our national debt, as we have been repeatedly told, is paid, and the revenue must be brought down, as all reasonable men will concede, to the pressing and necessary wants of the Government. As to what those wants are, and what our expenditures should be, honest men may fairly differ, but few, if any, I think, can have the hardihood to question the correctness of the abstract proposition. The President, I contend, recommends no course calculated to destroy the institutions of our country; to violate the faith of the nation to individuals; to bankrupt thousands, if not millions of the people of this country. If the revenue is more than the wants of the Government require, it must be reduced; but, sir, does he recommend the destruction of discriminating duties, or intimate a wish to withhold incidental protection? Far from it.

[Here Mr. P. read the following extracts from the President's annual message:]

"The final removal of this great burden (public debt) from our resources, affords the means of further provision for all the objects of general welfare and public defence, which the constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury, it will be seen that, after the present year, such a reduction may be made to a considerable extent; and the subject is earnestly recommended to the consideration of Congress, in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object as may remove those burdens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

"Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject; and I deem it my duty, on the present occasion, again to urge them on the attention of the Legislature. The soundest maxims of public policy, and the principles upon which our republican institutions are founded, recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditures shall be limited to what, by an economical administration, shall be consistent with the simplicity of the Government, and necessary to an efficient public service. In effecting this adjustment, it is due, in justice, to the interests of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will admit.

"That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country, there is no reason to doubt; and to effect their establishment, there is, perhaps, no American citizen who would not, for a while, be willing to pay a higher price for them. But, for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary, and, generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union.

"What then shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments cannot expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?"

We have here, Mr. Chairman, all the President thought proper to recommend to us at the commencement of the session. High and unreasonable tariff men may not be disposed to subscribe to all he has said, but in my opinion he has said but a little which is not, at this crisis in the affairs of our country, substantially correct. He manifests no disposition to destroy existing institutions, or withdraw from them all necessary protection; no disposition to see violated the plighted faith of the Government; no determination to be instrumental to the destruction of discriminating duties or incidental protection. He has not, I would add, lent his aid to the introduction of this bill. What man who knows the hero of New Orleans can for a moment entertain the belief that he would, by any action on his part, entail misery upon millions, bankrupt thousands, turn a sound and industrious portion of our population beggars upon the world, and thus change the laurels which now decorate his brows for "the ivy which delights to flourish upon the ruins it has made."

I have once referred to one of the most important bearings of this bill, the necessary result of frequent legislation, and legislating twice upon the same subject within a very few months—its effect upon contracts made by individuals, as well as investments made by them. On the 14th of July last, after many months' discussion, and after having the subject before us the whole of last session, one of the longest sessions for many years, we passed an act altering the duties on imports. That act did not receive my approbation, or the vote of my colleague. We did not think it such an act as would foster and protect the great interests we represented: we were outvoted. The bill was carried not by New England, but by Southern and Western votes. Our constituents were bound to submit to its operations, and have prepared themselves accordingly, hoping, by industry and economy, to be able

to live under it. What, sir, was the import and language of this bill, when it was passed into a law, to every citizen of the United States? That the policy of the Government was for a period settled; that no further agitation of the tariff would take place during the present Congress, more especially as the act did not go into operation until the expiration of the Congress itself. This was inferable also as well from the length of time spent in acting upon the provisions of that act, as from the satisfaction which the act seemed to give to an interest in the country which has lately manifested a decided hostility to all protecting duties. Sir, with these views in relation to this act, what was the natural supposition as to the course which would be pursued by manufacturers and others, whose interests would be affected by its operations? They would trim their sheets to the approaching gale, (go on they must;) to scud under bare poles, to borrow a phrase as well as an idea from seamanship, to lay to, would be as bad as sinking, and would inevitably lead to it. Sir, they have gone on; they have made their contracts and investments, and all their arrangements, under the law of last session, and under the faith of the Government. Pass this bill, sir, and what will be the effect upon these contracts and investments? Ruin; yes, sir, utter ruin; brought upon them by a breach of faith on the part of their Government. Hereafter they must not only insure against fire and flood, assailing thieves and robbers, but against the capricious legislation of their country, and the mutability of an American Congress. Take, for illustration, one of the interests of the State from which I come, and, if I may be excused for a little Latin, "*ab uno disce omnes.*" The citizens of Rhode Island have invested in cottons ten millions of capital. To use it advantageously, they are compelled to make contracts daily and every day in the year, many of them not consummated in a year after they are made. All these contracts were made in reference to the law of last session, but by the passage of this bill they will be directed and governed by a new law affecting and bringing ruin on this interest to the amount of millions. Who would say that, for all losses occasioned by this frequent legislation, every man who suffered would not have an equitable claim upon the Government for indemnity? And no Government disposed to do justice to the governed, would withhold the indemnity. No one which would thus violate its faith to its citizens could long command their affections, or preserve their attachments; and let me add, that none ought to, in my humble judgment. Where property is held by such a brittle tenure, love of country cannot exist there. The whole history of the legislation of the country shows that Congress has hitherto sedulously watched and carefully provided against any violation of contracts or hostility to investments made under the faith of the Government.

The act of 1789, approved July 4, went into operation on the 1st of August following.

Hemp and cotton imported previous to December 1, 1790, were exempted from the operations of that act.

The act of 1790, approved August 10, went into operation on the 1st of January following. The 6th section provides that all duties accruing under the act of 1789, "between the time specified in the said act for the commencement of the said duties, and the respective times when the collectors entered upon the duties of their respective offices in the several districts, be, and they are hereby, remitted and discharged, and that in any case in which they have been paid to the United States, restitution thereof be made."

The act of 1797, approved March 3, went into operation on the 1st of July following.

The act of 1804, approved March 27, went into operation on the 1st of July following.

The act of 1816, approved April 27, went into operation on the 1st of July following. In it there is a proviso exempting from the operations of the act cotton piece goods imported in the vessels of the United States which sailed thence before the passage of this act, and arrived between June 30, 1816, and June 1, 1817.

The act of 1824, approved May 22, went into operation on the 1st of July following. It contains a proviso, that the provisions of the act should not apply to importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the 1st day of January ensuing.

The woollens bill, which passed this House in the winter of 1826-'7, and was lost in the Senate by the casting vote of the Vice President, was made prospective in its operation. The bill of the last session was not to go into immediate operation. By the act of 1828, it was intended to provide against its operation upon voyages which had been commenced and could not be countermanded; and, because, in the hurry of legislation, that bill had not this provision in it, all those who were affected by it in their contracts and voyages, made or planned under the faith of the Government, have petitioned for relief; and last session a bill in their favor passed the Senate with but a few dissenting voices. We have now a bill for their relief upon our tables, which I hope to see pass before we adjourn. Sir, when that bill was under discussion the other day, a gentleman from North Carolina [Mr. WILLIAMS] said he would give to the manufacturers the same relief for losses sustained by the operation of our laws passed in this way, that he would give to merchants; and with him, sir, I have no hesitation in saying that the claims of the one ought to be as favorably received as the claims of the other.

As far as we have been able to hear from those we represent, there has reached us but one voice on this subject of frequent legislation and consequent injury to individuals. The Legislature of my own State, in their resolutions, unanimously adopted, and which have been sent here,

Resolved, That the effect of frequent alterations of the tariff laws is to distract and paralyze the enterprise of the merchant, to destroy the stability of the markets for the agriculturist, and bring ruin upon the manufacturer.

That all branches of our national industry have been arranged, contracts made, voyages projected, and business commenced, under the belief and expectation that the tariff of the last session of Congress was framed and solemnly enacted after mature deliberation, and that reliance could be placed upon the stability of these measures of the Government.

That, without a countervailing policy in the regulation of trade with foreign nations, all branches of our industry will be paralyzed, as was the case before the adoption of the constitution of the United States.

We have a similar voice, but one, perhaps, much louder, from the city of Albany. I have, said Mr. P., the proceedings of a meeting held at the city hall in Albany, the 24th of this month, relative to the tariff bill introduced into this House by the gentleman from New York, [Mr. VERPLANCK.] It is said to have been the greatest meeting ever held in that city. The Chief Justice of the State was the presiding officer, and Mr. Knower the near connexion of Governor Marcy, whose name was brought into debate by the gentleman from Georgia, [Mr. WILDE,] somewhat, as I thought, uncourteously, for the purpose of saying that he had not written a letter which it had been alleged he had written, and for no other purpose whatever. I can say to the gentleman from Georgia, that it is my good fortune to be also acquainted with Governor Marcy, and that I know him too well, and have known him too long, to believe that he will disavow any letter he has written, or that he ever wrote one from considerations of his connexion's interest. This meeting in Albany, speaking of the act of last ses-

sion, and the bill now before us, in their preamble and resolutions, use this language:

"Whereas a bill is now pending before the Congress of the United States, having for its object a further reduction of the tariff than was effected by the law of the 14th July last; which law was matured and passed at the close of a protracted session, and after seven months' debate and deliberation. And whereas a majority of the representatives of the people of the non-manufacturing States gave their assent to that law, as will appear by a reference to the national journals. And whereas the said law was adopted as the compromise of a great national question, and was designed, by its supporters, in the spirit of mutual concession, to heal the animosities of local interests. And whereas business transactions to a vast amount have been entered into in good faith under the implied pledge of the Government, that a law, involving such a wide extent and complication of interests, would not be abandoned until its practical effects should be ascertained.

"And whereas the unanticipated and premature abandonment of the existing law, by the same Congress that enacted it, and the unforeseen passage of the pending bill, will be a surprise upon all the manufacturing States, will throw their business and contracts into derangement and ruin, and will thereby produce incalculable mischief to all classes of citizens.

"And whereas the passage of the pending bill by the present Congress, to go into immediate and not prospective operation, will justly be attributed to the menacing and hostile attitude of South Carolina, rather than to a conviction produced by a dispassionate re-examination of the subject, and justice requires that no sudden and unexpected change should take place in the policy of a Government affecting the great interests of the community, and such we believe has been uniformly the provident legislation of Congress in regard to tariff laws heretofore passed: Therefore,

"*Resolved*, That the representatives of this State, in both branches of the National Legislature, be earnestly requested to shield their constituents, if possible, from such an act of injustice and instability."

I must now, said Mr. P., dismiss this part of my argument, perhaps, in the opinion of many, too long, but let it be understood it presents one of the strongest objections to the passage of the bill at this time.

I have but one request to make of gentlemen: If the Government is to indemnify all those who may suffer by this improper interference with their contracts, let them calculate the expense to the country. If indemnity is denied, let them reflect for a moment on the ruin to individuals.

I will now, Mr. Chairman, examine this bill, for the purpose of showing its unequal bearing and operation upon the various interests of the country. It appears to me, that if the committee had labored night and day three or four weeks, for the purpose of presenting a bill whose passage would prove destructive to all the interests of Rhode Island, they could not have been more successful than they are found to have been in the bill they reported. How this should have happened, I know not; but true it is, without charging them with any hostile views in regard to the State I represent, the bill, if passed, may destroy all its interests, and inevitably must the most prominent ones. The protection given to cottons by the act of last session is reduced from seven cents a square yard, or, what is equivalent to it, to one and a quarter or one and two mills. What interest can live with such a protection, or survive such a change? Not this, as I expect to show. The duty on cordage, tarred twine, and cables is reduced from four to three cents per pound; untarred twine, from five to three cents; olive oil, from twenty to ten cents per gallon; on spirits from grain, which now pay a duty from first to above fifth proof, fifty-seven to ninety cents a gallon, the duty is reduced to twenty and to forty cents a gallon. On spirits from other materials, which now pay a duty of fifty-three and eighty-five cents a gallon, the duty is reduced to eighteen and thirty-six cents a gallon. The duty on wool is fixed at fifteen per cent., on middling and fine cloths at twenty per cent., on the coarse cloths at five per cent. The duty on worsted yarn is reduced from twenty to fifteen per cent., and the duty on manufactures of woollen yarn, from fifty per cent. ad valorem, and five cents per pound, to fifteen per cent. But this is not all; exposed as these interests are by this reduction, and destroyed as many of them must be, some consolation might be derived from the reflection, if facts would warrant, that some benefit was to be derived from other parts of the bill. But this is not so. Iron, which we do not manufacture, and is of very general use, is protected by a duty of from twenty to forty-three, and, I might add, one hundred per cent. Sugar is protected by a duty of at least seventy-five per cent.; molasses by as high a duty. Coffee by the bill is to pay a duty of one cent per pound, and tea from three to ten cents per pound. Hemp a duty of thirty dollars per ton, and sail cloth what it was charged with by the act of the last session; so that on every thing we lose, and gain in nothing.

Why these inequalities? If, Mr. Chairman, the Committee of Ways and Means, the majority of whom are free trade men, had nothing in view but the destruction of the whole protective system, the course they have pursued, and the policy they have adopted, are unquestionably correct. Not having at present the adequate strength to effect their object, they must distract and divide those who are now opposed to their plans, that the conquest may hereafter be more readily made. Hence the necessity of conciliating the interest of Pennsylvania, by the heavy duties on iron and coal; Louisiana and a considerable part of the Southern and Western States, which in that State find a ready market for slaves and other live stock, and many of the products of agriculture. But let Pennsylvania recollect, that if she is misled by the temptations which are now thrown in her way, her evil day will come, and the siren which now allures, will be found to be a Cyclops ready to devour. Sir, can that State expect that the Eastern States, cut off from all their existing resources, deprived of most of their wonted pursuits, affected, materially injured, in all their great interests, will, in their struggles for life, submit to pay the heavy duty which the bill proposes on iron, 20,000 tons of which, from Sweden and Russia, are annually manufactured into nails, hoops, and plates, the cost of which, at the place whence imported, is only about 50 dollars per ton? Sir, has not only the manufacturer, but the shipowner, a direct interest in lowering the duty on this article? Let the representatives of that State also recollect that our manufacturing establishments require large quantities of English iron, (rolled,) which is imported in various forms, and which costs in Great Britain 35 dollars per ton, and with a revenue duty of 15 to 20 per cent., might be sold in this country for $50, whereas our manufacturers and others now pay 75 and 80 dollars per ton for it.

The motives which influenced the committee to charge hemp with a duty of 30 dollars per ton, I am unable to discover. Certainly they did not intend with one blow to injure at the same time two interests, and perhaps destroy them. I refer to the shipping interest, and the interest of those engaged in the manufacture of cordage. This course, on the part of the committee, is more to be regretted, as this heavy duty promotes no interest in the country. Kentucky has not required it. The great champion of American industry, the father, if you please, of the American system, last session declared, both in

his seat and out of it, what past experience has proved to be true, that the hemp of Kentucky could not come in competition with that which was imported; that the mode of curing here was so different from that abroad, that the one could not take the place of the other; and he at the last session was in favor of a greater reduction than that which was made by the act of the 14th July. If, sir, hemp could be imported free of duty, as is actually the case in Great Britain, our ropewalks, now in a manner idle, might be profitably used in the manufacture of cordage for exportation, as well as for own vessels. But, under the operation of this bill, vessels will, as they have heretofore done, destined from this country for Europe, take as little cordage as they can be safely navigated with, and make up their deficiency on their arrival out; thus transferring American capital to a foreign land, and employing foreign labor instead of that of our own citizens. If this article could be imported duty free, or was subject to only a small impost, our own labor might supply the West Indies and South America with cordage; at any rate, we could divide the trade in this article with the English, give employment to the mechanics of our own country, and give a stimulus to the navigation interest, and all the branches of national industry connected with or dependent upon it. But pass this bill, and they have nothing to hope for or expect. One would suppose that the committee had in view the destruction of another of our interests. The duty on rum is to be so far reduced, as I have already shown, I think, as to enable the foreign to supply the place of the domestic in all our markets, and consequently prostrate the whole of our distilleries. West India rum, I am told, will be brought for twenty-eight cents a gallon, third proof, hogsheads and all, in this country for exportation, giving the vender the drawback. Such rum is 10 per cent. above first proof, which being deducted to ascertain the price of first proof, leaves it at only 25.20 cents per gallon, then deduct four cents for the value of the hogshead, brings the rum at twenty-one cents and eight mills, which is all the rum netts the seller in this country, reckoned first proof. The price of New England rum is now, without the hogshead, at the distillery, thirty-three cents, and can hardly be afforded for that; nor will it probably be much lower if the duty on molasses should continue at four or five cents. Then, sir, admit the importer receives twenty-two cents for first proof, and pays eighteen cents duty, it will only raise it to forty cents per gallon, seven cents above the price of domestic rum. There can be no doubt but the foreign rum would have a general preference in the market at twenty cents difference of price. Pass this bill, and domestic distilling must cease; the importation of molasses would be lessened; our navigation feel the effects of it; and with this decrease of importation, there would be a decrease of the exportation of many of those agricultural products as well as those things which are drawn from the ocean, given in exchange for this article. Sir, I lay out of the account the effect which the destruction of this one interest would have upon the mechanics and laborers to whom it directly and indirectly gives employment.

I come now, Mr. Chairman, to the consideration of another article: that of molasses is as much, if not more, entitled to a reduction of duty than any other. Its present duty is frequently equal to its cost in the island of Cuba, if we except the price of the hogshead; and the duty proposed by this bill, of four cents a gallon, will be equal to an ad valorem duty of 75 or 80 per cent. If we view this article as a material for manufacturing, the reduction goes in aid of American industry, in which may also be included the employ of our vessels and seamen. If it is considered as an article of domestic consumption, it is one of the cheapest, and most nutritious, and best adapted to the use of the poor and laboring classes of any of the foreign productions.

[Here Mr. ROANE, of Virginia, in an under tone, observed to Mr. P. that Yankees use it in more ways than one.]

Yes, said Mr. P., if our hasty puddings were not sometimes made to swim in this as well as milk, the bard of Connecticut could not have sung with such apparent inspiration the praises of such a common article of food in New England.

A reduction of the duty on molasses, or the introduction of it duty free, would not injure any one of the protected articles of the country. Such is the protection given to sugar in this bill, that the sugar interest of Louisiana would not suffer by such an introduction, and most of the molasses of that State does, and for a long time will, find a ready market in the West, and cannot be injured by any successful competition. Why, then, should the duty be retained?

Of all the interests in this country, which will feel the direct and immediate effects of this bill, that of wool and woollens is the most extensive. How far and to what extent they may be injured, others are more competent than I am, said Mr. P., to judge. No man is better acquainted with their interests than the honorable gentleman from Massachusetts, [Mr. BATES,] who has just taken his seat. Neither, in his estimation, can live under the operations of this bill. Will gentlemen pause for a moment, and, before they proceed in the work of destruction, reflect upon the extent of these two interests?

The capital in wool and woollens is, at this time, $167,000,000. Annual produce, $40,000,000. Three-fourths the produce of agriculture.

The sheep, at this time, are valued at $40,000,000, and the number might be quadrupled in three years. Are gentlemen prepared, at one blow, to deprive us of this great produce by the destruction of this immense capital? I hope not. There is no pursuit which one would suppose from the course of our legislation was less regarded than agriculture: yet it has engaged in it more than five times the number of all the others combined. It is seldom the farmer calls your attention to his wants. He seldom makes any demands or prefers any claims; and, sir, what employment is there more honorable or as useful? By honest industry, by hard labor, by the sweat of his brow, he is able to sustain himself, and supply the wants of his country. Without this labor, where would be the comforts or necessaries of life?

Mr. Chairman, the soil which he cultivates with his labor is pledged for all the requirements of the Government. His fields are as lasting as the eternal hills, and when the tax gatherer calls, he is sure to find him. He cannot change his employment for any other. As his lot is cast, so it remains. His gains may be sure, but they are always small. Sir, what is at this time his great dependence? I speak, sir, of those in that part of the country with which I am best acquainted, my own home: it is wool. If he be the proprietor of the land he cultivates, he looks to this for his gains; if but the tenant, to this he looks to enable him to pay his rent, and for the maintenance of his family. Let it not be understood, because we have in Rhode Island a large manufacturing interest, we have not a great agricultural interest also. Sir, if we have but a little soil, we endeavor to supply the want of extensive fields by high cultivation, and placing upon the lands we have all the stock they can possibly sustain. To this interest I pray gentlemen to turn their attention before they vote for this bill in its present form. Think of our flocks, and you will have at least some misgivings before you strike the blow, some compunctious visitings. I am animated with hope, and cannot but take courage from what I have seen in the honorable gentleman from New York, [Mr. ROOT.] Anti-tariff as he may be supposed to be, he has offered us one prayer for the sheep upon the banks of the Delaware.

In regard to the agricultural interest, said Mr. P., I might have said more, but could not have contented myself with saying less. Early associations, an acquaintance with it in all its parts better than with any other interest, as it always has, so it always will engage me to stand by and sustain it. The laborer is worthy of his hire. Continue to the farmer the little pittance which he now receives. Let him not suffer by the direct, as he certainly will, to what extent I know not, by the indirect operations of this bill, if it should pass with the provisions it now contains. If the Hessian fly has destroyed his grain, let not our legislation blast his remaining prospect. A remark or two more generally in regard to the navigation of the country to be affected by the bill, and to give all the credit to the committee they are entitled to. In looking over a comparison of the duties of the act of last session with those proposed by this bill, I find that on chain cables the duty is to be reduced from 59 to 20 per cent. ad valorem, and, without stopping to inquire whether this reduction will be conducive to the interest of the rope-makers, the navigation of the country will give them credit for it. And as this interest was not entirely overlooked, and was recognised as an existing interest, and knowing as they did that it had to compete with the navigation of the world; that it has heretofore been sustained by the superior skill, industry, and enterprise of our navigators and seamen, without which it could not have been sustained at all; that shipbuilding is as much a manufacture as any other; that the mechanics of our country have also their rights, and are entitled to the protection of their country; that this navigation has been taxed with charges upon ship registers, Mediterranean passes, and, until lately, with tonnage duties, not to mention others, it is to be regretted that the heavy charges on iron, hemp, and duck, should have been altogether apparently unobserved by them. Sir, the chairman of the committee at the last session fought manfully to reduce the duty on sail duck. I was proud to fight with him, and am now willing to say that to his great exertions is the navigation of the country mainly indebted for the reduction of the duty on that article last session to 15 per cent. ad valorem. That gentleman will allow me to say, I have no doubt, that the reduction at that time effected was not so great as he wished or desired. His recorded votes show that it was not. Why then has this article been overlooked by him in his bill reported for the express purpose of reducing the revenue six millions of dollars? Do not the same causes now exist which existed six months ago for its reduction? Have any new manufactures of it sprung up since the last session, requiring the aid or protection of the Government? We have had no petitions in favor of further protection from the manufacturers in this country. The committee may be able to solve what to me is a mystery. They have not yet done it.

At the last session, Mr. Chairman, I presented memorials and remonstrances against the reduction of the duty on olive oil. I received them from that portion of my constituents who are engaged in the whale fishery. I presume, sir, that if it had been generally known what this bill proposed in relation to olive oil, we should have heard at this session from those whose interests may be materially affected by the reduction upon it. The law of 1832 reduced the duty to twenty cents per gallon, and the bill of this session proposes a further reduction of ten cents. I did not have the pleasure, said Mr. P., to hear my honorable friend from Massachusetts, [Mr. Reed,] when he addressed the committee a few days ago; but knowing the great interest his constituents have in the whale fishery, and his watchfulness in regard to all measures which can affect their interests, I doubt not he at that time called the attention of the committee to the operations of that part of the bill which I am now considering. I know not the interests which have called for this reduction, but I have heard it somewhere said, not here, that the woollen manufacturers require it. Sir, they have not, to my knowledge, asked for it. Pass this bill, and my word for it, something more than olive oil will be found necessary to keep their wheels in motion. This proposed reduction will be but a poor compensation for the losses they will sustain by the operation of the bill generally. Let me then call the attention of the committee to the extent and advantages to the country of a pursuit which this reduction may severely affect and eventually destroy. The statement which I read shows the number of ships in 1831, and men engaged in this business, the quantity of provisions consumed, the amount of foreign articles used, and the quantity of sperm oil obtained from 1815 to 1831. For the last two years the number of ships has greatly increased, and the number of men now employed is more than seven thousand.

The Whale Trade.--It is estimated that the number of whale ships in the United States, in 1831, was 300; the number of men employed in them was about 6,500, who consumed annually 36,0 0 barrels flour, 30,000 barrels beef and pork, 18,000 bolts of duck, 6,000,000 staves, 2,000 tons of cordage, and 700,000 pounds of copper and copper nails. The quantity of sperm oil obtained from 1815 to 1831 is stated to be as follows:

1815	3,944 brls.	1821	48,000 brls.	1827	93,180 brls.
1816	7,539	1822	42,900	1828	73,077
1817	32,760	1823	87,230	1829	79,840
1818	18,625	1824	92,380	1830	106,829
1819	21,323	1825	62,240	1831	110,000
1820	34,708	1826	32,840		

The whale oil brought in 1830 was 118,000 barrels, and in 1831, 188,000 barrels; 100 barrels sperm oil will produce 27,000 pounds spermaceti. The common whale ships average about 1,000 barrels of oil.

Sir, let us view the origin, progress, and fluctuations of this business as far as we have the means of examination. It had its beginning in 1701: at the commencement of the revolutionary war it brought into the province of Massachusetts, through the island of Nantucket alone, 167,000 pounds sterling annually. It then employed 150 sail of vessels, with about 2,000 men, but at the opening of the peace this number was reduced to nineteen sail only. Our late war suspended this business altogether. The statement I have submitted shows that, since the conclusion of the war, the success of this business has increased almost in a geometrical ratio, and this, too, by the mere force of American genius, skill, and enterprise, unaided by bounties or any direct encouragement on the part of the Government of the United States whatsoever, and against all the encouragement, direct and indirect, given by other countries, England, France, and Holland, to this species of fishery.

Edmund Burke might have been an enthusiast--he was surely a prophet, although even more has been realized than his ardent imagination led him to predict when he pronounced the following eulogium upon the enterprise of the New England colonists:

"As to the wealth, Mr. Speaker, which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet, the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery.

"Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits; whilst we are looking for them beneath the arctic circle, we hear

that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south; Falkland island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry.

"Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of the English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood.

"When I contemplate these things; when I know that the colonies in general owe little or nothing to any one of ours, and that they are not squeezed into this happy form by the constraints of a watchful and suspicious Government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty."

A single port in one of the Eastern States sends annually into the Pacific Ocean more tonnage than at the commencement of the revolutionary war was owned in the whole thirteen colonies. The port to which I allude (New Bedford) employs almost exclusively in this fishery, which is increasing every year, and I might almost say every month, 50,000 tons of shipping.

This business, Mr. Chairman, will be seriously injured, perhaps destroyed, by this bill in two ways. A duty of ten cents a gallon on olive oil will cause that article to take the place, to a very great extent, of whale oil in our own markets, and a reduction of duty on cottons from seven cents a square yard to one and a quarter cents, destroying that interest, as I shall soon attempt to show, will take from it the great and extensive demand which the cotton manufacturers have for it. And where, sir, can a market be found for it? Not in England, who knows her own interest and the importance of this business too well to suffer it to enter her ports. Pass this bill, and your whale fishery must be abandoned.

A moment's reflection upon the consequences of its abandonment, not to the labor, wealth, and commerce of the country, but to the national arm, and I quit the subject. In the event of a war, seven thousand seamen will be withdrawn from this pursuit for the national defence; men who have periled life and defied danger in contending with the leviathan of the deep; men who will court danger in fighting upon the ocean the battles of their country. Sir, a recurrence to the events of the late war fully shows, that, without the nursery for seamen created by our fisheries, this country would not have been, as it is now acknowledged to be, the bravest and most successful in naval warfare of any on the face of the globe. When the Guerriere struck her proud flag to the constitution, from what nursery were seamen of the latter drawn? From our fisheries. A great proportion of her crew were from Marblehead, Nantucket, and New Bedford. Turn to all the naval battles in which we were successful, and it will be found that the valiant sons of the ocean who mainly contributed to our victories were nurtured, reared in the American fisheries. But not in our national ships alone was the enemy made to feel the force, discipline, and education of these men. Our private armed vessels, manned with these men, scoured the ocean, and caused it to blaze with the fires they set to the vessels of the enemy, entered his harbors, and, in some instances, laid his cities under contribution. Sir, our enemy was made more sensibly to feel the effects of the war by the dauntless bravery and matchless skill of these men, thus reared, than by all our other means of annoyance combined. Ought we, by any act of legislation, to be cut off from this source of national defence, or deprived of the means of successful and vigorous naval warfare? Paralyze this arm of our national power, and in the event of another war you will not find a sufficient number of American seamen to man the ships of the line which now constitute in part the navy of the United States.

To a consideration of the cottons of the country, and the undoubted effect of this bill upon them, I must now call the attention of the committee. I regret, said Mr. P., that upon other topics so much of your time has been consumed by me. There are in Rhode Island more cotton manufactories than in any other State, and perhaps as much capital invested in the cotton manufacture as in any one in the Union. The value, extent, and importance of this business, the effect of this bill upon it, and a history of its rise and progress in the United States, must claim our attention. In 1789, the first cotton mill was erected and put into operation by an enterprising and industrious foreigner, in one of the then small villages in Rhode Island. For a long period of time the business was pursued rather as an experiment than otherwise. I lived more than half my days, said Mr. P., within a short distance of cotton manufactories, without ever having seen one. They were visited by most of our citizens from motives of curiosity until within the last fifteen or twenty years. I am authorized to say, by a gentleman who may now be within these walls, that, until 1806–'7, the whole number of spindles in Rhode Island (and there were but few, if any, at that time in any other State) would not exceed 10,000, owned by citizens residing in and about the town of Providence. If, sir, the number has so far increased as to require for manufacture 250,000 bales of cotton, and the increase has been the result of the protection given by the Government to our manufactures, can that protection in good faith be withdrawn, if, by withdrawing it, the manufacturing establishments will be destroyed? Will they be destroyed if this bill becomes a law? I think they will. No institutions reared or sustained by a protection of six and a half and seven cents per square yard, when the same is suddenly reduced to one and a quarter and one cent two mills a square yard, can possibly stand. Sir, the mere apprehension of the passage of this bill has led one individual with whom I have of late conversed, to say that he would to-day sell all his interest in one of the manufactories of Rhode Island at a discount of fifty per cent. upon its costs, and that factory one of the best conducted, and most profitable concerns of the kind in that State.

Mr. Chairman, indulge me while I call your attention to the history of our legislation, and its operation upon the cottons of this country, the inevitable effect of this bill upon them, and the consequences which would follow the destruction of this branch of national industry.

The tariff of 1816 laying a duty of 25 per cent., with a minimum of 25 cents per square yard, or, properly speaking, a specific duty of six and a quarter cents per square yard, was levelled expressly at the India cottons, which cost in India nine cents per yard on the average, and was designed, as it proved to be, prohibitory. Cotton yarns were also valued at 60 cents per pound, and paid 25 per cent. duty. Our manufacturers now make an article two or three times as valuable, and sell it at 25 per cent. less than the cost of those cottons in India. They also, very

early after 1816, commenced manufacturing other descriptions of cotton goods, with which we had heretofore been supplied from England, and thus commenced the competition with her, which has continued ever since, and been gradually extended to finer and more valuable kinds of goods, in which they have been aided by the act of 1818, repealing the clause in the act of 1816, which reduced the duty to 20 per cent., to commence in 1819; by the act of 1824, raising the minimum to 30 cents on plain cottons, and 35 cents on colored and prints, and to 75 cents per pound on colored yarn; and by that of 1828, which added five cents more to each minimum on cloth; that of 1832 takes off the addition made in 1828. These duties are prohibitory on all goods of the description of those formerly imported from India, and on some more valuable descriptions, and, of course, a less duty would answer for the manufacture of these, and still be prohibitory. There is such a very great variety of cotton manufactures, differing in appearance and value by such slight shades, it would not be possible to levy different rates of duties on each, without leading to gross frauds, and thus defeating the protection intended to be given. Besides, the great fluctuations in the market, the alternate gluts and scarcities, are such as to require the duties to be much higher than would otherwise be required. Should the specific duty be abandoned, and give place to that provided in the bill, the manufacturers would at once lose their market for all but the coarsest descriptions of cotton goods, and in these would meet with foreign competition to a considerable extent. A coarse and cheap article would be made of Surat and Bengal cotton, which costs but half as much in Liverpool as the Carolina and Georgia cotton, of which our manufacturers make such goods, and our market would be filled with them, as it is well known such goods are made in England of India cotton. Besides, those of our manufacturers who are now making the finer description of goods would have to stop entirely, (of this there is no question,) or turn upon the coarse article, and it is easy to see that a business which, at this moment, does not pay but a limited profit, as I will soon fully show, (and it is believed, I have certainly been so told, many mills have run the past year without making six per cent. on their capital,) would at once be ruined by such accessions to the supply both at home and from abroad; consequently, the whole cotton manufacture of the country would be absolutely ruined by the proposed bill, and the 50 to 60,000,000 dollars invested in it be sunk, and a large proportion of the owners of this capital would become bankrupts. It would fall particularly heavy on many enterprising men of the laboring and mechanical classes, who have invested all the hard earnings of their whole lives in the fixtures necessary to carry on the business; next would come the laboring classes who still work in the cotton mills for the owners. Thus would 125,000 persons, and as many more connected with, and dependent upon them, be turned out of employment; next in the series of victims would be the farmers in the vicinity of the mills, who would lose their market for their productions. The mechanics, tradesmen, merchants, clerks, &c. &c. would follow in the train; in fact, all who are interested in the trade, and all connected with them, and almost all classes in the manufacturing States, thus connected, would be ruined.

The duty under the bill cannot be considered otherwise than twenty per cent. ad valorem; consequently, the range of duties would be, instead of seven and a half cents per square yard, as under the law of 1832, from three-fourths of one cent to two cents per yard. We manufacture but few goods, the like of which would be imported at over two cents duty. The average, as far as there would be any average, would be from one to two cents, which is no protection at all. This is the solemn conviction of the vast majority of cotton manufacturers. Machinery itself is built twenty-five to fifty per cent. cheaper in England than in this country, owing to the price of iron, coal, and labor. Besides, the labor on many kinds of cotton goods is much greater than on woollens, and the price of labor cannot be reduced so low in this country as to enable us to compete with England in this manufacture, except of the very coarsest kinds, without more decided commercial regulations than are contained in this bill.

Another important feature in this bill, and to our manufacturers a very odious one, is, the reduction of the duty on cotton yarn from fifteen cents per pound on unbleached or uncolored, and eighteen and three-fourths cents on colored or bleached, to ten per cent. ad valorem. This reduction would, if possible, more emphatically ruin this business than any other. A pound of No. 20 cotton yarn, I am told, would pay about one and a half cents duty. This would make three and a half yards of cloth, and the duty would be less than half a cent per yard. Under such a duty yarns would be imported on the beam, ready prepared for weaving by power looms, if, indeed, the owner of the looms should be able to weave it, against his Manchester competitor. An intelligent constituent, after reading this bill, in his indignation exclaimed—"the devil was behind the curtain when this bill was draughted, and the manufacturers of Manchester must have been present when it was done, or the duty on yarn would never have been reduced to ten per cent. ad valorem." Many of the cotton mills which manufacture yarn exclusively, are owned by men of small property, mostly mechanics and farmers, who have a small stream of water on their farms, and who have thus been induced to invest all their money in these mills, and to give their principal attention to them. Many of these mills are located in the Middle States, and many more in New England. But at Paterson, in New Jersey, most of the large and valuable mills are employed in making yarns, but all, wherever situated, will shut down their gates on the day this bill passes, and the owners of many, very many, of these become bankrupts; suffering and starvation soon overtake the men, women, and children, employed in them.

I will now say a few words in reply to the allegations frequently made here, that the profits of cotton manufactories are such as would well warrant the Government in withdrawing the protection which has been, ever since 1816, extended to them. I fortunately, said Mr. P., have documents in my hands emanating from the Treasury Department, by which these allegations are disproved; documents for which I am at this time indebted to the courtesy of the public printer. As they have not yet been published and laid upon our desks, before I call the attention of the committee to this testimony, permit me to state a fact furnished by a friend now in this city, the truth of which is susceptible of the clearest proof—that, since the year 1816, the proprietors of twenty-eight of the thirty-six cotton mills on one of the streams of water in Rhode Island have become bankrupts, and the owners of the residue have realized less than five per cent. per annum upon their investments. With this fact before us, who can say that this pursuit has been so profitable as to warrant us in adopting that part of this bill which will withdraw from it the protection it now has, and with which it has too often been found a losing concern? I will now send to the Chair, to be read by the Clerk of the House, the answer of an intelligent and practical man, himself a manufacturer, and well acquainted with all that pertains to the business, and whose statements will be respected wherever, and by all to whom he is known.

Answer of John Whipple, of Providence, in the State of Rhode Island, to the interrogatories propounded by Mr. Samuel Slater, for the Treasury Department, in pursuance of a resolution of the House of Representatives of

the Congress of the United States, of the 19th of January, 1832.

To the five first questions, I answer, that Ephraim Talbot and myself are the present owners of the Hope mill, in Scituate, in the county of Providence. The fabric manufactured is cotton cloths, and the power is water. It was built in 1806, by a joint stock company, and during the years 1806, '7, and '8, 2,000 spindles were put into operation, and $85,000, in cash, expended. No dividends, or receipts of any kind, were realized until 1821, when the establishment was sold to Mr. Talbot and myself for $21,000; and the outstanding debts of the company being paid, there remained $8,000 to be divided. Simple interest upon the $85,000 will amount to over $70,000. Deduct the $8,000 received, and the balance of loss is $144,000.

Since our ownership, over 50,000 dollars has been expended, and 3,400 spindles set in motion; and if it is admitted that since 1821 there has been a profit of five per cent. as stated by Mr. Talbot, still the question propounded being "the annual rate of profits on the capital invested since the establishment of the manufactory," it will be seen that there has been an almost entire loss of one capital of $85,000, and fourteen years' interest; and what loss or what gain the present owners may realize, depends upon the present value of the establishment, which value is itself, in a great measure, dependent upon the future measures of Government.

Upon this subject of profits, prejudices of an extremely injurious character prevail, to a limited extent, in the Northern and Middle, and, very generally, in the Southern States. The cotton and woollen manufacturers are represented as greedy monopolists, who are not satisfied with fortunes already accumulated, under favor of the Government, and at the expense of other interests, but are still urging additional protection. These representations, made by persons hostile to the American system, are founded partly on vague and general rumor, and partly on the injudicious, and, as I conceive, extravagant statements of some of the manufacturers themselves. In the spring of 1829, a manufacturer of cotton cloths had convinced himself, and endeavored to convince me, that 25 per cent. annual profit had been, and would continue to be, the usual result of that employment. He is a judicious and intelligent man, and of considerable experience in the business; and yet in the succeeding summer he failed, and paid but forty or fifty cents on the dollar. Larger stories even than this had come up to us from Boston, for several years previous to 1829. Actual dividends, it was said, of from 20 to 30 per cent. had been made from year to year, and capital flowed into the cotton business, excited by these and similar statements, to an unprecedented amount. In the summer and fall of 1829, however, it was ascertained, as I am informed and believe, that an actual loss of at least nine millions of dollars was sustained by the city of Boston alone. The experience of past years is wholly disregarded, and again we hear of new millions advanced, and the old stories of 20 per cent. profit sounded larger than ever, and even by some of the manufacturers themselves. I am even told that something like this has been stated by a worthy and intelligent manufacturer, on the floor of Congress.

While such statements proceed from such sources, we ought not to be surprised that some, even of the friends of the tariff, should propose a reduction of duties; nor ought we to complain, should it be ascertained that the twenty-ninth query proposed to the Rhode Island manufacturers embodied the real opinions of some of the advocates of the American system. That query contemplates a reduction of the duties to 12½ per cent. ad valorem, and asks us "if we should be obliged to abandon our business, or should we continue to manufacture at reduced prices?" It presupposes very large profits at present rates, and our ability to live under a very great reduction of them. That and other similar queries probably arose, directly or indirectly, from what I deem the mere vaporing of injudicious and inexperienced men.

Inasmuch, however, as such opinions do prevail to a considerable extent, no counter opinion, unless confirmed by proof of its correctness, can be expected to be listened to. I will therefore first state my opinion of past, and the probable future profits, and the facts on which I rely for its confirmation; and as all such opinions, and even statements of facts, are liable to material errors, I shall make them public previous to forwarding them to the proper department, in order that my misstatements (if any) may be corrected by those in this section of the country who are opposed to us as to the expediency of protective laws, and who, living here, have equal or better means of information.

If by profit is meant the nett gain to the capitalists, all expenses, including interest of money, being deducted, I have no hesitation in saying that, in Massachusetts and Rhode Island, the residence of the owners of more than half the number of the cotton spindles in the country, there has been no profit, but a loss. I feel well assured that four per cent. per annum upon all the capital invested in those two States, added to the original investments, would much exceed all the profits added to the present value of the establishments. I also feel a great confidence in the opinion that the manufacture of cotton is not a business upon which any average rate of interest or profit can be predicated; that the capital invested in it can with no propriety be termed "stock," but that a mill and its appendages approach nearer to a set of tools, their productiveness depending on the skill with which they are used, more than on any thing inherent in the tools themselves.

The Hope mill, in this State, and the Pomfret mill, in Connecticut, (owned in this State,) were erected in the year 1806. The former with a capital of $85,000, and 2,000 spindles; the latter with a capital of $60,000, and 1,000 spindles. They have both been in operation for twenty-six years, manufacturing similar fabrics, and encountering the same markets. The former during most of the time was unskilfully managed, and the latter with as much prudence and forecast as ever mingled in any business. Nearly $150,000 has been lost by the one, and about $300,000 made by the other. This latter mill, as I was assured by an active owner a few days since, has realized an actual profit of ten per cent. per annum, from 1806 down to the present time. It is the general opinion here, that the success of this mill is as much above the other mills in the State, as that of the Hope is below it. I feel very confident that there is no mill in Rhode Island or Massachusetts, the profits of which, for a series of years, will bear any comparison to it. These are extreme cases; but there are a great number of others, in which the variations in the results are so great as to justify the opinion that tools, and not stock, is the appropriate term for a cotton mill; and that we can calculate with the same propriety upon the average rate of interest upon the capital of a grocer or a tailor, without a knowledge of the men, as upon a cotton spinner. The general result of six and twenty years' business justifies this view of the subject. Prudent, cautious, and vigorous men, who have been their own agents, and paid interest for but a small part of their capital, have succeeded; and, to my knowledge, no others have. Even this class of men have in their operations mingled the character of the merchant so largely with that of the manufacturer, that it would be difficult to separate the results.

I believe that all those who thought they were making considerable profits, and who operated upon borrowed capitals, have failed; and that the number of those who, since 1806, have either wholly failed, or retired from the

business, with heavy losses, is nearly if not quite equal to those who have succeeded.

The difficulty, then, of predicating any rate of interest upon a business depending for its success so much on personal qualifications, will at once be seen.

If the present owners of cotton mills in Rhode Island would be at the pains of ascertaining from their books the immense losses which the previous owners of many of their establishments have sustained, it is possible that something like an average profit might be arrived at. But this will not be done; and I shall, therefore, submit a test which may give us a more general, and, I think, a fairer view of the business.

By the report of the committee of the recent New York Convention, it appears that the whole number of spindles in the United States is 1,246,000. The number in Rhode Island is 235,000, owned wholly by inhabitants of Rhode Island. The number in Massachusetts is 339,000, but 100,000 of that number is owned by citizens of Rhode Island. In Connecticut, over 50,000 more belong to this State. The whole number, therefore, owned in Rhode Island, is 4 0,000; nearly one-third of the aggregate number in the United States.

The business commenced in this State in 1790. From 1790 up to 1806, the increase of spindles was but 5,000. From 1806 up to October, 1815, the number increased to 132,000; and in 1827, there were within thirty miles of the town of Providence, owned almost entirely by inhabitants of this State, 317,538. Seven-eighths of the owners of one-third of all the cotton spindles in the United States live within fifteen miles of this town. With most of them I am personally acquainted. With very few exceptions, they personally superintend their mills, and the various business connected with them; and if twenty and thirty years' experience, united with uncommon vigilance and industry, give promise of success, the Rhode Island mill owners have had ample grounds at least to hope for it.

The result of the experiment here, from 1806 down to 1832, ought to be admitted as a fair test of the productiveness of cotton spinning. What is the fact known to every business man in the community? It is this: that at the period immediately succeeding the termination of the war in 1815, one-half of the manufacturers failed. I have before me papers containing the names of the mills, of their owners, and the number of spindles, in 1806, 1815, 1820, and 1827. Having been in the practice of the law from 1804 to the present time, and somewhat conversant with business men, some means of information have been afforded me; and I fully believe that the number who have failed, or retired with heavy losses, equals those who have survived. My papers and other means of information are open to examination, if it is thought the estimate is too large.

But the survivors are here, and, among them, who has grown rich by the manufacture of cotton fabrics? Three gentlemen who commenced in 1790, partly by commercial speculations, but principally by cotton mills, have made their fortunes. One other, who, I believe, began as early as 1804 or '5, and who would thrive in whatever business and whatever portion of time or space you place him, is also rich.

Here, then, are four men, and only four, who have enriched themselves by this employment. If other fortunes have been made, they have also been concealed. They have been kept from my knowledge, and the knowledge of those who mingle with them in the daily business of life. Let this business be compared with any other in which equal capital has been expended, and I am much mistaken if, during the same period, much larger results have not been produced. Or let any one be at the pains of calculating four per cent. interest annually upon all capital expended in Rhode Island, from 1806 down to the present time, and I am equally mistaken if the original sums would not exceed the value of all the mills, with profits added, now owned in the State of Rhode Island.

In Massachusetts, it is well known that millions of dollars have been sunk. No one with whom I have conversed, has ever pretended that our neighbors are as well off as ourselves. These two States, it will be remembered, contain the owners of more than one-half of all the spindles in the country; and without pretending to know the result of the operations in other States, I think I may safely affirm that all the mills owned in both States, sold at what similar mills may now be built for, and profits added, would not produce a sum equal to the original expenditures.

The causes of this result are numerous. For several of the first years, machinery was excessively dear and excessively poor. The early adventurers added their profits to the extension of their establishments, and the great fall in the prices of machinery in 1816, '17, and '18, added to the wear and tear, almost equalled, up to that period, a total loss of the first cost and intervening profits. The hope of large incomes attracted unskilful men into the business, and the current opinion, as prevalent then as now, that 20 per cent. income was one of the ordinary results of a cotton mill, led to a total disregard of economy. New inventions required large expenditures for new machines; and the gradual decline of prices of the fabric itself aided the downward pressure upon the manufacturer.

The most active among all the causes which have hitherto frustrated the hopes of the manufacturer, has been the gradual decline of the prices of machinery. It was this which caused most of the failures in 1829, and it is this which will produce future embarrassments, not now anticipated, by men who are lavishly advancing princely fortunes in this precarious business. It appears to me that one moment's reflection would check the ardor and zeal with which these investments are making. Machinery is of itself an article of manufacture, and the prices now paid are, upon a moderate computation, fifty per cent. higher than English prices for similar machines.

Recent importations have been made of English machinery under a charge of 55 per cent. on the original cost, and still the English article, so imported, costs 30 per cent. less than the American. There has been less domestic competition in that than in cotton cloths, but the price has been declining, and will continue to decline, until it approaches as near the original cost in England, as coarse American cotton cloths have approached similar English fabrics.

Suppose this period to be five or ten years distant. One hundred thousand dollars is expended in eighteen hundred and thirty-two, upon machinery for a cotton mill; that five years hence the same machinery will be built for 50 per cent. less, and the ordinary wear to be 25 per cent. more. Here then is a loss of 75 per cent. of the capital in five years. If the period of decline is protracted for ten years, the deterioration by wear is increased, but the chance of balancing the evil by increased profits is doubled. The period at which this minimum price must be encountered, is uncertain; but if all experience is not deceptive, it must be met at some period or other, and, until it does arrive, the capitalist will have to contend with it. From 1806 down to the present time, the history of this branch of American industry fully evinces the activity and power of this counter current, and the sore disappointments it has never failed to lay at the door of the sanguine and credulous capitalists. The manufacturer who begins with small investments, transacts his own business, pays no salaries and no interest for money, may calculate upon returns adequate to the active agencies constantly at work against him. But the period is fast approaching when capitalists will become convinc-

ed that gentlemen manufacturers, like gentlemen farmers, may expect every thing else except six per cent. from their investments.

According to my views of the protective system, one of its original objects was to lessen the profits of this branch of industry, and thereby drive the capitalist out of the business. Its great and leading object was to aid the farmer by sustaining the prices of his product, and to furnish materials for commerce. The encouragement of manufactures was no part of the object of the tariff laws, but a mere means by which the prices of agriculture might be kept up, and the prices of manufactured articles brought down. In a legislative view, neither the number nor wealth of the manufacturers was sufficiently large to deserve attention. Compared to the great interests of agriculture, they were, in 1816, as a drop in the ocean. Congress were then convinced that the great interests of agriculture stood in need of a market at home; and the only means which human ingenuity has yet discovered, are to lessen the producers and increase the consumers. The less profit the capitalists realize the better, provided the business goes on. One of the most beneficial effects of the protective system is that it is constantly diminishing the necessity and the profit of large capitals, 'by bringing in competition with it the ingenuity, skill, and enterprise of men of slender means. Such men, aided by a few years more of protection, will take the business as exclusively into their own hands as are other branches of the mechanic arts.

According to my view of the subject, the great question which is involved in the hypothetical reduction of duties to 12½ per cent. ad valorem, is, what will become of the farmer, the artisan, the ingenious man, a whole generation of whom have grown up since the adoption of the system in 1816, and, under the faith of the continuance of that system, moulded themselves to these employments? Cotton to the amount of about 2,000,000 dollars is annually imported into Providence, and manufactured into cloth, which sells for about 7,000,000 dollars. Although, as I have attempted to show, the capitalists receive but a mere pittance of the latter sum, yet the people of Rhode Island, the farmer, the artisan, the mechanic, the laborer, &c. divide among them the 5,000,000 dollars. From them it goes to the producer of flour, corn, lumber, coal, iron, and all the variety of products of the Middle and Eastern States. This equal diffusion of wealth among all classes of society, and over the whole country, is the distinguishing characteristic of manufacturing industry. Lower the present rate of duty, and expose us to the irruption of English fabrics, and our mills must stop, unless our artisans will work at half their present wages. In that event they will consume less of the productions of the Middle and other States. Should the business continue at all, the capitalist will fare as well as he now does. The whole pressure would fall upon the laborer and the producer. A gradual and progressive reduction of duty would tend to a gradual reduction of wages and consumption.

A sudden reduction would stop wages, and stop all consumption of the products of other States, leaving our mechanics and artisans the alternative of emigrating to, and cultivating the cheap and rich soils of the Western States, or of forcing a scanty subsistence from the hard and unyielding hills of New England. Many laborious and worthy men, by years of industry, have become part owners of some of the various branches of the manufacturing business. Their principal capital is their industry. Such could not survive the shock, for no one can doubt that a sudden reduction would suspend all operations for a few years at least; what little property they possess would sink so low that they never could revive again. The capitalist, on the contrary, after necessity had forced down the price of wages to the English standard, might renew his efforts under still more auspicious prospects than now exist, for the only obstacle now in his path, the high rate of wages, would be removed, and society would then become what it is now in England, composed of the few immensely rich, and the many immensely poor. A gradual or a sudden reduction of the duties, therefore, would ultimate either in a permanent overthrow of the business itself, or in such diminution of wages as would enable us to manufacture at English prices. Put the question in whatever shape we can, it must result in a diminution of wages, and of the prices of the product of the farmer.

It may be asked, if the American fabric, in case of the reduction of the duties, cannot be afforded at English prices, unless we pinch the laboring classes, by lowering wages, how can they be afforded at those prices if the duty remains, without the same diminution of wages? How can the fabric be made cheaper than it now is, unless the cost of production is lessened, and, in order to lessen the cost of production, must we not lessen the profit of the manufacturer, or the wages which we pay to the various persons employed by him? and it may also be asked, what has the tariff to do with the cost of production?

I answer, that the great object of the tariff is to lessen the price of the manufactured article, without diminishing the rate of wages; that to a considerable extent it has already been accomplished, and that time and permanent and steady legislation are alone wanting to complete it. If the price of wages is forced down to a bare subsistence, there will be no difficulties in the way. The whole system may then be safely abandoned, for the poorer classes must work or starve. But, in a legislative view, the working classes of society ought to be prominent objects of attention. It is important that prices should be low, but it is quite as important that the laborer should be so well paid that he may command an equal share of the comforts of life.

The tariff laws were made in order that all working men, the farmer, the mechanic, the manufacturer, and the various other persons who depend on their industry for support, might enjoy their full and equal share of the comforts of life. The great object was to keep up the product of the farmer, and the wages of all the other classes. The profits of the capitalist no one regarded, unless so far as connected with other interests. There is no danger but that moneyed men will take care of themselves. Nearly all the capitalists in New England were opposed to the protective system, and the operation and effect of that system will be to drive the capitalist out of the business. At present the wealth of Boston is opening its veins, and running freely into cotton mills. This is as it should be. Capitalists are building them, and at a future day their agents and overseers will own them, and this latter class are the only men who will thrive. The business of manufacturing cotton is already assuming that shape in Rhode Island. The capitalist is becoming the owner of the privilege, buildings, and other fixtures, in order to rent them to the operator. This latter hires his machinery, or makes it himself; and although he pays the same wages that are paid at mills owned and operated by men who do not work in them themselves, yet he can afford his cloth from ten to fifteen per cent. cheaper. The object, then, and the direct tendency of the tariff is to keep up the price of wages, thereby encouraging the operator, so that eventually he may be the sole manager of the business. When that period arrives, which is at hand, our other advantages over England are such, that, without any reduction of wages, we can produce the fabric quite as cheap as the Manchester prices. When gentlemen who ride in coaches shed their character of cotton spinners, the victory of the tariff will be completed, and not until then.

My clear and decided opinion, then, is, that not a line or a letter of the tariff laws ought to be touched; that every yard of English goods brought into the country, which we possess the means of manufacturing, is, *pro tanto*, a tax upon the farmer, and the entire class of the working men of the nation; and that their interest ought not ever to be brought into danger by the threats of disunion; which, for the purpose of intimidation, Southern politicians are daily heaping upon us. If the planters of South Carolina, who reap the fruits of this fructifying system more abundantly than the abused capitalist of the North, will blindly persevere in attributing to the tariff consequences which flow directly from their climate, population, exhausted lands, and, more than all the rest, their aversion to labor; if a small minority of this great family, who will not work, are upon this subject to dictate terms to those who do, they will expect to dictate upon all other subjects and all other occasions; and however painful even the thought of a separation may be, I for one had rather submit to it than to the humiliating spectacle of the whole farming and laboring classes of this extended empire ground down to a beggared poverty by English and Scotch speculators in foreign goods.

Respectfully, &c.

JOHN WHIPPLE.

Providence, 16*th March*, 1832.

[While the Clerk was reading the foregoing paper, Mr. Root, of New York, rose to a question of order, whether it was competent for a member to read, or cause to be read, a written or printed speech; for certainly what the Clerk was reading must be taken as a part of the gentleman's speech.

The Chair decided that it was the undoubted right of the gentleman from Rhode Island to send to the Clerk any statement or testimony which he might be anxious to have read.

Mr. Root replied, that in the English House of Lords the members could vote by proxy, but he never knew before that it was in order for a member here to make a speech by proxy.]

Mr. P. resumed. I have no disposition to break a lance with the gentleman from New York. I have hitherto had a great share of respect for him. I shall endeavor to continue that respect, but he ought to be the last man in this House to blame me for doing what has uniformly been done by every member who has addressed the committee. I hope I shall not be so unfortunate with my speech as that gentleman was with his a few days ago—one day he made a speech in favor of nullification and secession, and spent the whole of the next in explaining it away and taking it back. Not content with this course, he afterwards had recourse to one of the newspapers of the city, to publish an addendum to his work of two days. One day, Mr. Chairman, he planted his ruta baga, which he found very necessary the next day to dig up. At the end of his first day's labor, one of the most distinguished nullifiers in the House pronounced his speech to be "the voice of one crying in the wilderness," but in reply, it was quaintly said "that it was such a voice as ought to be confined to the wilderness, and ought not to be heeded by man in a state of civilization." But a truce with the gentleman from New York.

I have further testimony, Mr. Chairman, from a source not less respectable, to show that these establishments have not been so profitable as they have been represented.

[Here Mr. P. read and commented on the following answers to queries from the Treasury Department, made by the agent and one of the proprietors of the Crompton mills factory, in Warwick, Rhode Island.]

"There is no such distinction between capital borrowed and not borrowed, as contemplated by the question. The original owners invested a capital of 80,000 dollars, made some dividends while they continued the business, but the concern was closed at their failure, with a loss of about 40,000 dollars. The rent received during the next seven years was little more than nominal. The present owners have realized an average of seven and three-fourths per cent. for interest of money, insurance, and all hazards. This is the rate of profit upon the capital employed from year to year. This capital consists of the amount paid in 1823, and since, together with the annual profits since, which have been added to the fixed and floating capital. Were the interest cast on the money actually paid in, aside from these profits and new investments, at the above rate of seven and three-fourths per cent. (though this is too low to cover the hazard of the business,) and then the establishment sold for cash, which is perhaps the proper mode, there might or might not be a surplus to divide, after reimbursing the capital. This would depend upon the circumstances under which the sale was made. Were the season a prosperous one, and were there a measurable certainty that the legislation of Government would not set every thing afloat, and effect a sudden and entire change in the value of the property, the result might be favorable. Were these two leading circumstances reversed, and the sale made in such a season as 1829, when our most judicious and experienced men deemed 'there was no intrinsic value in a cotton mill,' or should the proposed reduction be made in the duties on imports, the establishment would not sell for any considerable proportion of the money actually invested. It is believed that many manufacturers, in calculating their profits and losses, do not pursue the above mode, which appears the only correct or safe one. There are many causes, aside from the revulsions in trade, and the great uncertainty as to what legislative measures may be adopted upon the subject, and the latter have a very powerful and injurious influence, which are constantly operating to lessen the value of a cotton manufactory from the moment it is erected. The depreciation by wear and tear, and that caused by a decline in the prices of machinery, are both very great; but the improvements, or alterations at least, constantly making in machinery, which cause vast sums to be expended for new machines in place of old ones, which are thrown aside, are a still more powerful cause. It is notorious that different machines and operators, of equal advantages and skill, are very apt to differ in opinion about different machines and their utility; in short, there is nothing fixed or certain in the business, except the fact that money invested in a cotton mill can seldom or never be reclaimed. And to render the business profitable and safe, or as much so as many other branches of business, I have sometimes thought it ought to be, though it is far from being, like a West India plantation, and produce as much in a few successful years as the estimated value of the establishment, to guard against the many disastrous seasons, the many uncertainties that attend the trade.

"The alternate gluts and scarcities, already alluded to, have so much influence upon the markets as to render it difficult to answer this question. Were the importers and foreign manufacturers required to guaranty that they would not sell any goods in our market at a loss, we would readily assent to a material reduction in the duties; but the present mode of pouring upon us such excessive quantities of surplus goods of refuse stocks, in short, of goods which must be sold, at whatever loss, (which is, probably, in many instances, made up by the profits of their regular trade at home, and in other channels, in which it would be ruinous to put down the prices, as they do frequently in this country,) requires the duties to be much higher, in order for the American manufacturer to carry on his business with any degree of safety. Were the tariff repealed, and our market regained by the British, as it would be in that event, they would, in all pro-

bability, be more cautious how they glut it; they would regulate it as they do other markets under their control, and it cannot be doubted but they would be able to advance prices very materially, and very soon. The destruction of the home competition would but add greatly to the evil. As to the question of 'moderate protection,' upon the expediency of which the commissioner's views are solicited by the Government, in order to decide it, it seems only necessary to inquire, what is the object of the protective system? It may readily be answered: to give employment and remuneration to home industry. But is there not another object closely connected with this, viz. furnishing the consumers, the whole people of the United States, with manufactures as cheap, or cheaper, taking into consideration the increased ability which it imparts to purchase, as those imported from abroad? How is this double object to be attained? Is it by providing that half way, 'moderate' protection, which does not absolutely destroy our manufactures, but merely suffers them to live a sickly, lingering existence, inviting, at the same time, foreign manufacturers to send their wares here, so that both may struggle for the mastery in our markets, and each alternately prevail, perhaps, as extrinsic circumstances favor one or the other? Or is it to be obtained by affording, at once, a full and adequate protection, such as will at once establish manufactures at home on an extensive scale? I appeal to past experience to decide which of these systems is best fitted to attain the avowed objects of both, confident that it will be found that each article of our manufacture that has been completely protected, and been established a reasonable time, has fully realized the objects in view, and declined in price much more than those articles which have only been moderately protected."

"Ask the farmer what he would do with his land were he denied the privilege of cultivating it; or, what is the same thing, were he deprived of a market for the sale of his produce. Ask the shipowner what he would do with his ship were there no merchandise to transport from port to port. In the event supposed, I should have no capital to employ in any other business. Capital invested in manufactures cannot be transferred into any other business, in the supposed case, because it cannot be transmuted into gold and silver again. A cotton mill is of no more use, except to manufacture cotton cloth, than land to lie unimproved, or a ship to rot at the wharf. If I could not carry on my establishment, no one could; no one, therefore, would buy it, and it would sink into ruin."

"Were the duties thus reduced, it is probable the manufacture of the very coarsest cotton goods might be carried on, notwithstanding the competition which would probably take place with an imported article of similar appearance, but made of inferior stock, and much less durable. I do not think that any other fabric could withstand the foreign competition; and it is well known, that by far the heaviest capital, and most expensive machinery, and greatest skill, are now employed in the finer manufactories. It is difficult to say what employments would remain to be successfully followed after such a deplorable change in the affairs of the country. As a single individual, having been a lawyer by profession, I could could doubtless find employment in such a state of things. My partner, too, being an extensive merchant, might continue to follow his present pursuit. But it is easy to foresee what would be the result of so many rushing into commerce as would do so. But what would become of the four hundred women and children employed by us, and the numerous families dependent upon them? They could obtain no other employment; many would be driven back to the cities and towns whence they came, and there pine in poverty and want, as they did before they removed to the factories, and be exposed to all the temptations of vice and crime. Others would go back to their native sandy capes of New England, and live on fish, but deprived of the many comforts they now enjoy, and especially of the schools we have established for their use. Some, indeed, being children of farmers in the immediate neighborhood, might return to their parents and friends, and share with them those means which might remain after the loss of the great and excellent market for their produce, thus doubling the evil to them.

"In order to judge, in fact, of the propriety of the proposed reduction, (which I consider tantamount to a repeal of the tariff,) it is only necessary to look at the direct and immediate consequences which must ensue, particularly in this section of the country, viz. nearly the total destruction of the immense capital employed in the manufacture of cotton and wool, and the bankruptcy of most of the numerous proprietors of these works; the very great number of laborers and artisans employed in them would either be left without employment, and destitute, or thrown upon agriculture, which, losing its home and only market by the same blow, could not sustain the shock, but must be ruined also; the coasting trade, now so unprecedentedly flourishing by means of the prosperous state of domestic industry, would be very nearly destroyed; internal trade, in all its thousand ramifications, would languish; and foreign navigation, so much of which is now employed in carrying abroad our manufactures, and bringing home various materials used in them, would be confined to exporting that portion of our agricultural products which are admitted by the high tariffs of the rest of the world, and to importing what foreign articles we could pay for, and not be benefited by the change.

"The population of the Eastern States would be obliged to emigrate to the West, which is already in want of a market for many of her valuable productions, and these greatly aggravate the evils of over production; the agricultural products of the Middle, Western, and Southern States, of which we now consume such quantities, would be greatly diminished in value; the country would be inundated with foreign manufactures, and exhausted of all its specie to pay for them in a very short time. Thus should we become bankrupt, both as a nation and as individuals, and reduced to the greatest poverty and distress."

"Suppose the article a common 4-4 brown sheeting, it would be worth about 8¾ cents, or the amount of the present duty; an equivalent ad valorem duty would be then 100 per cent.; were the article a cambric print, worth 35 cents the square yard, the duty should be 25 per cent. It is obvious that no rate of ad valorem duty could be "equivalent to the present with the minimum," because that is a per centage on the value, and the present is tantamount to a specific duty; the per centage, but not the amount of duty, varying with the value of the article. The present duty is prohibitory of the first article above mentioned, and might with propriety be reduced in relation to it, were it not for the frauds which would be practised the moment a distinction were attempted between different kinds of goods, whether by a valuation, a division into coarse and fine, or in any other mode; and, therefore, it seems most advisable to retain the high duty upon the low priced article, especially as it does no harm more than one would of half the amount; it is never paid, and is merely nominal. This point was considered by the manufacturers in 1828, when an addition was desired (which was made by Congress) to the minimum, in order to reach the finer and more valuable description of goods. Instead of attempting any definition of such goods, it was unanimously agreed that raising the minimum would be the preferable mode, and that this would have no effect upon the coarse descriptions, which were already prohibited.

"I consider the minimum valuation the best part of the system, and that alone which has almost wholly prevented

frauds in articles of cotton manufacture, such as have been so extensively practised in woollens. It is unfortunately sometimes misunderstood, as intended to indicate the actual value of the article embraced in it. It has been stated, even on the floor of Congress, that when the minimum of 25 cents per square yard was established by the tariff of 1816, that was the actual value of the article referred to; whereas, by a reference to the proceedings of Congress at the time, it will appear that the tariff was established almost exclusively with reference to India cottons, the average value of which was 9 cents per yard. The duty being 25 per cent. on 25 cents, or 6¼ cents, was consequently 70 per cent.

"It has been the object of subsequent tariffs to embrace other goods from 9 to 35 cents; as they can have none but a prohibitory effect, except upon articles say from 15 to 35 cents, if we suppose the average value of cottons imported is between these sums, say 25 cents, the really effective per centage of duty paid is considerably less now than it was in 1816, upon the articles intended to be embraced by the tariff of that year. It is, in fact, but 35 instead of 70 per cent.

"Such have been the frauds practised in woollens, by attempting to regulate the duties by the cost of them in the country whence imported, it is presumed it is not contemplated to apply this mode to cotton manufactures. But the mode suggested by the question is believed to be liable to as great or greater objections. In the first place, it would be extremely difficult to find suitable appraisers; in order to ensure the requisite skill and information, they must be selected from those merchants engaged in the trade of importing, or, at least, in that of buying and selling here; and if so, however skilful and experienced, as well as respectable they may be, they would be too much interested in the subject to make, in all cases, a correct appraisal. In fact, they would have it in their power to set the tone to the whole market; and however honest and well-intentioned men may be, human nature cannot bear such temptations.

"But a still more important objection is the fluctuations in prices, which are well known to be much greater in our own markets than those from which we import manufactured goods; because the high and prohibitory tariffs of those nations exclude foreign fabrics, while our system, as much as it is complained of, still allows our markets to be the receptacle of manufactured goods from all countries, and to be frequently glutted with them. Hence, the duties would be subject to perpetual and very material variations; and, what is of yet greater importance, they would be lowest, and the protection to our manufactures the least, when they need it the most, because their own goods are selling at the lowest rates, thus doubling to them the evil of reduced prices; while the foreign manufacturer would find the same evil lessened to him instead of increased, because the lower the value of his goods, the less duties he would have to pay; thus giving to foreign an advantage over domestic industry, instead of the reverse, which sound policy, or at least the principle of the protective system, dictates. Were this mode of levying the duties in operation at the present time, when it is well known all kinds of manufactured goods have greatly declined from last year's prices, and many domestic as well as foreign fabrics are selling at great sacrifices, how could we withstand such a discrimination in favor of the foreign manufacturer? Many would be ruined by it, and all would suffer irremediably. There are many other objections to the ad valorem system, but it is believed the foregoing are sufficient to show that the adoption of it would be ruinous to our manufactures, and little better than a total repeal of the tariff."

It has been contended by gentlemen who have participated in this debate, and, among others, by an honorable member from Maryland, [Mr. HOWARD,] that cotton manufactures need no further protection than this bill gives, because cotton goods are exported already. This is true, but not to much extent, and none but the heaviest and coarsest goods are exported on which more stock and less labor are bestowed, and such as have not been made in England to a very great extent. The business of exporting cotton goods is rather a chance business, ventured upon occasionally by our merchants who are the most enterprising in the world, who drive their commerce into every port that is open to them, and who export cotton goods as a remittance or an adventure, sometimes making a profit and as often losing. The exportation of these goods is by no means a regular business. Those merchants who have tried it the longest have lost by it and given it up. What business, Mr. Chairman, is so desperate as not to be sometimes hazarded by some?

I have already stated the probable amount invested in cotton manufactories in Rhode Island, and now have the returns of the number of the cotton and other manufactories in Rhode Island, from the Treasury Department. Gentlemen need not be alarmed, for I shall not read the paper which I have now in my hand, but will only call the attention of the committee to an abstract of these returns, from which will be learnt that there are in Rhode Island 119 cotton mills, 238,877 spindles, number of men employed 1,744, women 3,301, children 3,550, whose aggregate wages amount to $1,214,515. Shall these men, women, and children, be thrown out of their employment, and turned beggars upon the world, by our legislation? They will then be fit for treason, stratagems, and spoil; yes, sir, and nullification too. Will they, sir, submit to such a state of things as the passage of this bill will produce? We do not deal in menaces or gasconade, to the extent indulged in by some portions of this Union. We are slow to anger. A vertical sun has not to the same degree warmed our blood, or caused it to course so quickly through our veins; but, sir, the same causes will produce the same effects here they have produced in other countries. The cries of the poor and laboring classes for bread will be heard, and must be heeded; the fires of Nottingham, Bristol, and Manchester, may be transferred to this now happy land.

It will be seen, from the abstract I have exhibited, that about 7,000 women and children are usefully and profitably employed in these institutions. And let it not be understood, as I have heard it insinuated on this floor, that they are the white slaves of those who employ them. Sir, the reverse is nearer the truth. I have seen a female, who, before she was twenty years of age, by her edict, stopped every mill in one of the most flourishing manufacturing villages in Rhode Island. She was called the Hancock of Pawtucket, because she was as annoying to the mill-owners in that village, because they were as much in dread of her influence and power, as the British Government ever was of the influence of John Hancock, or Samuel Adams. Like them, too, she was not included in the general amnesty promulgated for the benefit of her followers, but was finally hired to leave those who seemed to be controlled by her influence. Sir, rather than submit to the evils of this bill, she would head an army of her own sex to nullify obnoxious laws, or meet those who are opposed to wholesome regulations. The operations of the American system are altogether in favor of the poor and laboring classes of our community. Every tariff we have passed might with great propriety be denominated the poor man's protection.

Mr. P. proceeded to a comparison of the great and leading interests of the nation. From papers before me, said he, I am authorized to state that the tonnage of the United States, registered and enrolled, is about 2,000,000 tons; which, estimated at 30 dollars per ton, would be $60,000,000. This is supposed to employ no less than 80,000 seamen, which, at 10 dollars wages per

month, is $9,600,000 per annum. The cotton manufacture, including the manufacture of machinery, bleacheries, and print works, was, in 1831, ascertained to be $44,914,934, (since considerably augmented,) and at that time gave employment to labor within their own works and factories, equal to $12,155,723 per annum. From this, it appears that the wages in the manufacture of cotton and machinery, bleacheries and printing, exceed the whole amount of wages for manning our whole commercial marine in the foreign and domestic trade. The Government has, with the most politic and liberal care, protected this branch of our industry, and given to our own citizens the entire monopoly of the coasting trade.

[Here Mr. P. was called to order by Mr. JENIFER, of Maryland, on the ground that a member had not a right to read his own speech, or the speech of another.

Mr. P. replied that he was doing neither, but was referring only to his own notes.

The CHAIR decided Mr. P. was in order.

Mr. JENIFER then read from Jefferson's Manual to prove the correctness of his positions.]

Mr. P. was permitted to proceed. I regret, said he, that the gentleman from Maryland has gone off half cocked. I regret these interruptions, as they will necessarily tend to protract my remarks.

The cry of "question" becoming now loud, Mr. P. said, When, in the cry of "question," I hear the knell of my country's ruin, as was once said by a celebrated English statesman, I will not yield the floor; as the very few minutes more which I intend to speak, may, for that time, at least, keep off the ruin with which we are threatened. Now, Mr. Chairman, why and wherefore are we required to pass this bill? To appease, as I am led to believe, the State of South Carolina, entail ruin on all those States which have ever been obedient, to quiet one that for a long time has been refractory, and liberal in threats of nullification, secession, disunion, and civil war. Sir, is this the way to conciliate and secure the affections of that portion of the country from which I come? Punish them, because South Carolina, who well deserves punishment, requires it! Let gentlemen beware, lest, in avoiding the rock, we are swallowed up in the whirlpool, which ought as sedulously to be avoided. Yes, sir; New England, which complies with all your requisitions, violates no law, seldom exercises the privilege of complaining, is to be turned over to the beggarly elements, while South Carolina is to be invited to the richest feast which the nation can provide for her! This, I suppose, is substantial justice, retributive justice, commutative justice. Sir, our evils and sufferings will be greatly aggravated by the reflection that South Carolina mainly contributed to fasten upon us that very system of which she now so loudly complains. It was resisted by the people whom I represent, until resistance was found to be altogether useless. They had, at the time of the commencement of the restrictive measures which led to the creation of our prevailing policy, other pursuits and more profitable ones than those which they now have.

Sir, I am old enough to recollect the effect of the sudden change in our policy. I knew men whose property at that time was principally in navigation, who had a right to believe themselves rich and independent, who have gone down to the grave poor and pennyless. Some there are who are still living, and now lingering out an existence by no means desirable, in poverty and want. Sir, are we always to be thus the sport of the measures and legislation of the Government? Let it not be left to them to say, our Government is as treacherous as the sea, and as unstable as the waves of the ocean.

I have much more to say, said Mr. P.; but having already occupied too much of the valuable time of this committee, I must now yield the floor, thanking gentlemen for their very patient attention.

On motion of Mr. BANKS, the committee then rose, and the House adjourned.

THURSDAY, JANUARY 31.

MASSACHUSETTS RESOLUTION.

The motion of Mr. WILDE, of Georgia, to reconsider the vote of the House by which a memorial from the Legislature of Massachusetts, on the subject of the bill to alter the tariff, had been referred to a Committee of the Whole on the state of the Union, and ordered to be printed, so far as related to a report therein contained from a committee of that Legislature was concerned, coming up for consideration,

Mr. WILDE rose, and read from the document in question an extract from the preamble to the resolutions; which part of the preamble, he said, imputed to the Committee of Ways and Means that their real object in reporting this bill was different from their professed and ostensible one. Mr. W. said he would not be understood as expressing or feeling either mortification or surprise at this formal impeachment of the motives of his associates and himself. The language of the preamble was not certainly such as legislative bodies, in their solemn public acts, had been accustomed to use or hear. Perhaps it was altogether such as deliberative assemblies had heretofore considered worthy of their dignity and gravity. Every public body, however, said Mr. W., must be presumed to know the tone which it best becomes them to adopt, and in that most delicate task of nicety adapting the shades of language to the tints of character: far be it from me to question any judgment which the liberal and enlightened Legislature of the State of Massachusetts may think proper to pronounce upon itself. With that I do not meddle. My business is with the judgment which it has pleased the Legislature to pass upon myself and my associates. In the justice of this judgment, it is hardly to be expected that I should acquiesce. I will examine neither its courtesy nor candor. It may be all true, and it may be the pleasure of this House to confirm by its votes the high authority of the Legislature of the State of Massachusetts. With all this, said Mr. W., I have nothing to do. Whether the majority of this House will or will not unite with the Legislature of Massachusetts in pronouncing the conduct of their committee disreputable and deceitful, it becomes me not to conjecture. I cannot admit the fact to be so, and I ask of the courtesy of gentlemen permission to record my vote against it. I hope the question may not be discussed. I have no disposition to be thought improperly sensitive or fastidious; none to get at new causes of angry controversy, new occasions for heats and jealousies. This House can surely proceed, without debate, to do an act of simple justice. I ask that the vote referring this preamble, and ordering it to be printed, may be reconsidered.

Mr. DAVIS, of Massachusetts, said he wished to offer a word or two in reply to what had fallen from the gentleman from Georgia. The Legislature of Massachusetts, feeling that the question of a reduction of protecting duties involved matter of great importance to the people of that State, had referred that subject with other matters to a joint committee of members of both Houses: that committee had made a report in part, so far as related to the bill reported by the Committee of Ways and Means to this House: that report had been acted on by the Legislature, certain resolves had been passed in consequence, and the whole had been forwarded to each of the representatives of the State of Massachusetts on this floor. One of his colleagues [Mr. ADAMS] had felt it his duty to present a copy of these papers to the House, and had moved that they be referred to a Committee of the Whole House on the state of the Union, and printed: that motion had prevailed. But now, a motion was made by the gentleman from Georgia to reconsider that vote, so far as the

report of the legislative committee was concerned: and this motion was made on the express ground that that report contained language offensive to one of the members of the Committee of Ways and Means. Now he did not know whether the Legislature of Massachusetts cared one farthing whether the resolutions passed by them were submitted to this House or not. There was nothing on the face of the resolutions which indicated any desire that they should be laid before Congress. Those resolutions were in the form of instruction to their Senators, and request to their Representatives.

They contained a clear expression of the opinion of the character of the bill before this House, and that opinion was, unquestionably, very different from the opinion of the Committee of Ways and Means: but the expression of it implied no intention to give offence to that committee. Such votes of opinion were, he believed, usual in all legislative bodies. Certainly such resolutions had been passed in the Legislatures of more States than one in this Union since the bill had been reported: and he had never known any exception taken to any such legislative expressions of opinion, however they might differ from the opinions entertained by particular individuals, or even by a mere majority of this House. Nothing disrespectful to this body was implied in the passage of such legislative acts: nor had the Legislature of Massachusetts, in the present case, done any thing which ought to be so considered.

It had been the custom of the members of the House, when such papers were put forth by the Legislatures of the States from which they came, more especially where they contained instructions to them, to lay copies of the resolutions before the House. Such was the well known and established usage, and it was as much the usage of the House always to refer such papers, and order the printing of them.

The gentleman from Georgia, however, took an exception, not to the general usage, but to the printing of certain portions of the report of the Massachusetts committee. The language of these passages impugned, in the opinion of the gentleman, the motives of the Committee of Ways and Means: but the language contained nothing disrespectful to the committee or to the House. What was the amount of it? Merely this: that, in reviewing the measures proposed by the committee, the committee of Massachusetts were of opinion that other considerations, besides a mere reduction of the revenue, have induced the committee to report the bill which they had brought into the House.

Now Mr. D. put it to the honorable gentleman from Georgia, upon his honor, to say if other considerations had not had at least as strong an operation on the committee as the mere desire to reduce the revenue. Mr. D. knew not the sentiments which might be in the breast of his friend from Georgia, or in the hearts of other members of the Committee of Ways and Means; but had the committee said, would they now say, themselves, that they had no other object in view but merely and purely to reduce the revenue to the wants of the Government? There was not a man upon this floor who did not know that other considerations had been entertained here. Every one knew that the great end and object of the bill was to get rid of the tariff, to reduce the duties, not to diminish the revenue. Every body knew that the whole South had been laboring, for years and years, to destroy the protective system. Mr. D. did not complain of this. Those gentlemen had a right to bring forward their views, and to press them with all the force of argument. But Mr. D. did assert (whether the language should be considered respectful or not) that other motives had entered into the consideration of the members here, and that the reduction of the revenue was merely an argument employed in reference to an ulterior object—an object which many gentlemen had long had in constant view. The argument had been pressed, he admitted, with great force. Mr. D. did not know, indeed, that the language employed by the legislative committee of Massachusetts had been the happiest and most proper that might have been employed; but sure he was that no hostility had been expressed or felt toward the gentleman from Georgia, or any of his colleagues on the Committee of Ways and Means. No ill blood, no purpose of offence, he was very certain, had been entertained by those who drew up the report. Without any such feeling, and without the least want of respect for the committee, Mr. D. himself believed that other considerations had actuated the committee; nor did he suppose that any one would question it for a moment. The committee had put forth in this report but one reason, viz. the reduction of the revenue to the wants of the Government; but he did not think they would themselves deny that no other motive had had place in their minds. Mr. D. should be very sorry if, after the House had sent these resolutions to a Committee of the Whole, and had placed them on the files of the House, resolutions which committed no man, the printing of which sanctioned nothing contained in them, should be withdrawn from the files by so uncourteous a vote as was now proposed.

Mr. WILDE said that he did not complain of any thing contained in the papers of Massachusetts, as pressing at all on the dignity of any member of the House: for himself, he claimed nothing more than belonged to him in common with every other member of the House. Nor would he, by any argument *ad hominem*, or argument of any other kind, be induced to enter at large into a discussion on this topic. All he asked was, that he might be permitted to record his vote in such a manner as to avoid the conclusion that he assented to the accusation contained in the Massachusetts report.

Mr. E. EVERETT said he felt himself called upon, by what had fallen from the gentleman from Georgia, [Mr. WILDE,] to say a few words. The gentleman from Georgia asks a reconsideration of the vote passed yesterday, to commit and print the report and resolutions from Massachusetts, because those papers charge him and his colleagues with "disreputable and deceitful conduct," and because he wishes not to stand in the ridiculous position of sanctioning such a charge upon himself, as he should do if the order to commit and print these papers were recorded without his dissenting voice. Sir, I would not have voted myself for the commitment of these papers, had I supposed that, in so doing, I brought such a charge against the gentleman and his colleagues. I respect him and them. I do not wish to have their feelings wounded, and I would not co-operate in wounding them. I resist the gentleman's motion of reconsideration, because it imputes, in substance, to the Legislature of Massachusetts, an intention to give that gentleman and his colleagues personal offence. Now, sir, I wholly deny that any such thing was intended; and, also, that the House of Representatives, in respectfully disposing, in the usual manner, of the reports and resolutions of a "sovereign State," (I use the fashionable phrase, although I do not think it the best mode of characterizing any one of these United States,) binds itself, at any time, to any of the doctrines which may be contained in such papers. A contrary principle would pledge this House to some pretty strange doctrines. I have sat here, year after year, and witnessed the presentation and commitment of many documents, from different quarters, expressing themselves, on the subject of our legislation here, in terms, contrasted with which the language of these resolutions is mild and gentle. I never have known the regular and respectful disposal of such papers resisted on the grounds taken by the gentleman from Georgia; and I take leave to say that the State of Georgia has contributed her full share of papers of this character to the files of the House. I have no especial commission to interpret the purposes of the commonwealth of Massa-

chusetts in adopting this report and resolutions; but I feel quite safe in saying that it was no part of that purpose to give personal offence to the gentleman and his colleagues. Such a supposition is excluded by the character of all the parties, by the character of the committee, by the character of the body supposed to have made the charge, by the reason and nature of the case.

I shall not enter into a verbal criticism of the document, nor endeavor to say over again what has been said by my colleague. I hold with him, that it is the evident and express intention of the report to say this: that the object of the pending bill is not the fiscal operation of reducing a redundant revenue, but a political measure, to the state of affairs in the South: Now, sir, is there any offensive imputation of motives in this? On the contrary, is it not matter of notoriety and universal admission? I have heard a great part of what has been said on this floor, for and against the pending bill; I have conversed with members on both sides, all round the House, and have been not an inattentive reader of the public journals on this great subject; and if my memory does not deceive me, I have not heard nor read an opinion from a single individual, in the House or out of it, which did not take it for granted, as a thing neither needing to be affirmed, nor capable of being denied, that the great prevailing object of bringing forward this bill at this time is, not to adopt a fiscal measure, beginning and ending in revenue, but to pursue a course of policy, in reference to protecting duties, which will meet the requisitions of South Carolina. Did not the gentleman from Georgia put this to us in the strongest and simplest form? Did he not tell us, the other evening, that the question on the bill was reduced to this alternative, either to lay a duty on tea and coffee, or go to war with South Carolina? And after that avowal, can the gentleman take offence at its being said that the reduction of duties is not his only object? I do not think it necessary to quote precedents to justify the language of the Legislature of Massachusetts. If I did, they are numerous and ample. When the bill of 1828 passed, a gentleman from South Carolina [Mr. DRAYTON] moved to amend the bill so that it should read, a bill to increase the duties on certain imports, for the purpose of increasing the profits of certain manufacturers. Did the gentleman from South Carolina conceive himself as making an imputation personally offensive to the majority of the House who had just passed the bill?

But I have a precedent a little more close to the point. In 1829, the Legislature of Georgia sent her protest to the Senate of the United States against the law of 1828, and used the following language, in speaking not of a report of a committee, but of an act which had received the sanction of all the branches of the Government, and was the supreme law of the land. I read a passage from the journal of the Senate: "In her sovereign character the State of Georgia protests against the act of the last session of Congress entitled 'An act in alteration of the several acts imposing duties on imports,' as deceptive in its title, fraudulent in its pretexts, oppressive in its exactions, partial and unjust in its operations, unconstitutional in its well known objects, ruinous to commerce and agriculture, to secure a hateful monopoly to a combination of importunate manufacturers." Pretty strong language, to be sure, sir; but did Georgia, in using it, really mean to charge with disreputable conduct the members of Congress who passed the bill, among whom are persons whom she delighted, and I presume still delights to honor, the late Secretary of War, [Mr. Eaton,] the present Secretary of the Treasury, [Mr. McLane,] the gentleman from Kentucky over the way, [Mr. R. M. JOHNSON,] and the Vice President elect of the United States, [Mr. Van Buren,] all of whom recorded their names in favor of this bill, "thus deceptive in its title, and fraudulent in its pretexts?"

Does not the gentleman from Georgia [Mr. WILDE] see that the course he pursues, if successful, would place the Senate, and his friends there, in a very disagreeable position? If he should succeed in throwing the resolution of Massachusetts out of this House, on the grounds taken by him, will the members of Congress rest contented, while the journal of the Senate contains a protest from Georgia, going much further in charging those who voted for the bill of 1828 with being parties to a deceitful and fraudulent act? If the resolutions of Massachusetts are to be thrown out of this House, will it not be equal justice to expunge the protest of Georgia from the journals of the other? If the gentleman from Georgia should succeed in affixing this stigma on the Legislature of Massachusetts, will there be found no Senator to mete back the same measure to Georgia? And where is a warfare of this kind to end?

Sir, I end as I began; nothing personally offensive is intended. The Legislature of Massachusetts has expressed its opinions freely on a subject of great public concernment, and is entitled to that respectful reception from the House, which was accorded to it yesterday, and I trust will not be revoked to-day. I hope the gentleman will not press his motion.

Mr. WICKLIFFE said that he should vote against the reconsideration, not because he did or did not consider the language referred to as offensive, but because (though not disposed to carry the doctrine of State rights to extremes) he thought every State had a right to speak to this House in its own language. For his part, he liked to see every State speak to the General Government in plain language; and he believed it to be the duty of the House to record its language. He did not consider the report as containing language imputing any censure to the motives of the Committee of Ways and Means. He was free to acknowledge that the committee and this House had far higher objects in view in passing this bill than a mere reduction of the revenue; it looked to the quieting of the country; not to the pacifying of South Carolina alone, but to the peace of every portion of the Union.

Mr. W. concluded by moving to lay the motion of Mr. WILDE upon the table. He, however, withdrew the motion at the request of

Mr. POLK, who said that he was very indifferent whether the motion prevailed or not. The papers from Massachusetts were not addressed to Congress, and therefore the remark of the gentleman from Kentucky, that a State had a right to speak to the General Government in its own language, did not apply. Mr. P. did not dispute the right; but these were resolutions addressed by Massachusetts to her own representatives, one of whom had presented them to the House, and caused them, in part, to be read. Mr. P. had heard them imperfectly; but, on looking at the papers, he found their language to be very violent in its character, charging those who pressed the bill now under consideration, as intending to exercise "a wanton act of power." [Here Mr. P. quoted the resolutions.] Here all who desired a reduction of the revenue, all who wished to see the rates of protection lowered, were denounced in a paper coming from the Legislature of Massachusetts, and which had been presented by one of the members from that State, and might therefore be presumed to express that gentleman's own opinions. The imputation was not restricted to the members of the Committee of Ways and Means, but was made against every friend of reduction in the House. As an humble member of the committee, Mr. P. did not care a straw for this language; the violence of the Massachusetts Legislature should not affect him. But the language of the report was not justified by fact: these papers affirmed that the House was about to abandon the whole protective policy; was that true?

Mr. P. would notice some other paragraphs; and he

noticed, only to repel them. [After quoting several passages from the resolutions, and commenting on them, Mr. P. continued.] He would say, that those who were capable of thus imputing to others motives which were evil, were themselves capable of being influenced by motives such as they would not avow. If such motives were imputed to him and to his colleagues, he hurled them back from whence they came. The committee had honestly endeavored to do their duty, as they understood it, and they could do no less than repel such imputations. They were wholly unauthorized; many assumptions in the report were wholly untrue; and the whole paper seemed not to have been duly considered before it was adopted and put forth to the world. Mr. P. concluded by repeating that he cared not what became of the motion of the gentleman from Georgia. He had chosen to express his opinions in the language contained in the paper referred to.

Mr. WICKLIFFE said that nothing the gentleman had read was half as violent as the language employed by gentlemen of the House in their speeches on that floor, and for which they had not been called to order. Mr. W. was very sure that if he thought the bill proposed a "wanton act of power," he would not hesitate to say so. He renewed his motion to lay the resolutions on the table.

Mr. WILDE said that as the gentleman from Kentucky [Mr. WICKLIFFE] had thought proper to conclude a speech with a motion to lay on the table, and thereby cut off all opportunity of reply, he should do all that remained to him, by asking the yeas and nays.

Mr. WICKLIFFE said that if the gentleman was very anxious to reply, he would once more withdraw his motion; and he withdrew it accordingly.

Mr. WILDE said he should not avail himself of the opportunity.

Mr. ADAMS said that he hoped the yeas and nays would be taken on this question. He considered the motion made by the gentleman from Georgia as an insult to the State of Massachusetts. The proposition was to turn out of doors a solemn, deliberate, public act of her Legislature, after it had been received by the House, and by its authority placed upon its files. Mr. A. repeated, that such a motion was an insult on Massachusetts; and, therefore, he desired the vote upon it should be recorded. As to the exception which was taken to language used by the committee of the Massachusetts Legislature, and adopted and sanctioned by both Houses of that Legislature, on the ground that it contained an injurious imputation on the motives of the members of the Committee of Ways and Means, if gentlemen were so exceedingly sensitive themselves, it might be well for them to consider before they cast imputations upon the motives of others. A gentleman from Tennessee, who sat behind him, [Mr. POLK,] had taken quite as great liberties with the motives of the Legislature of Massachusetts, as that Legislature had done with his motives, or those of his colleagues.

[Mr. POLK here said that was what he intended.]

He now heard the gentleman say that "he had intended to do so;" but if so, then the gentleman had no right to object to an imputation on his own motives. The gentleman should content himself with exercising the privilege of retaliatory warfare, without calling upon this House to add the weight of their sanction to his resentments, by dishonoring the resolutions of a State of this Union. The motion was as unexampled as it was outrageous. Mr. A. said he was not one of those who affixed the idea of unbounded power to the word "sovereignty;" nor was he one who held that the States of this Union were "sovereign States," in the sense which some others applied to that phrase. It was probably the belief of some of the members of this House, that, in his system of political opinions, he was disposed to curtail too much the sovereign powers of the States; but he was of opinion, that, when one of the States, sovereign or not, spoke through its Legislature, and the public act of the Legislature had been regularly received by the House of Representatives, it was entitled to be treated with profound respect, and not with insult.

Mr. A. said that his colleague [Mr. EVERETT] had read some papers heretofore received by both Houses of Congress from the Legislature of the State of Georgia, which were couched in language fuller by far, and much stronger, than that which had been objected to in the paper from Massachusetts, and which contained imputations on the motives, not of particular individuals, or of a particular committee, but of the whole Congress in a body. Mr. A. would take the liberty to call the attention of the House to certain passages of another paper, received at this very session, and only a few days since, as one of the documents accompanying the recent message of the Executive to Congress; a paper which was said to speak the sentiments of South Carolina; it was an address from the South Carolina convention; addressed, not as its title in the printed document purports, to the people of the United States, for the convention acknowledged no people of the United States; according to them there exists no such people; but addressed to the people of twenty-three distinct communities in this country, and what did they say? Here is the address, sir; and it is to the people of Massachusetts, Virginia, New York, and so on, naming in succession each of the States of the Union, twenty-three in number.

And what says this address?

"Every representative in Congress should be responsible, not only to his own immediate constituents, but through them and their common participation in the burdens imposed, to the constituents of every other representative. If, in the enactment of a protecting tariff, the majority in Congress imposed upon their own constituents the same burdens which they impose upon the people of South Carolina, that majority would act under all the restraints of political responsibility, and we should have the best security which human wisdom has yet devised against oppressive legislation. But the fact is precisely the reverse of this. The majority in Congress, in imposing protecting duties, which are utterly destructive of the interests of South Carolina, not only impose no burdens, but actually confer enriching bounties upon their constituents, proportioned to the burdens they impose upon us. Under these circumstances, the principle of representative responsibility is perverted into a principle of absolute despotism."

Mr. Speaker, said Mr. A., here is a direct charge upon the majority in Congress, of making themselves, by a gross perversion of the principle of representative responsibility, the instruments of absolute despotism. Is this no imputation? Is this not enough? What further?

"It is this very tie, binding the majority of Congress to execute the will of their constituents, which makes them our inexorable oppressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy."

Now, sir, this paper, from which I have read these passages, was received by the House, referred to a Committee of the Whole on the state of the Union, and 2,500 copies of it ordered to be printed, to be circulated among our constituents. Yet it tells a majority of this body that they "dare not open their hearts to the sentiments of justice and humanity." Yet the gentleman from Georgia is much affected because it may by possibility be supposed that his motives are reflected on in a paper from Massachusetts. This certainly shows that the gentleman must suppose that the Legislature of Massachusetts stands in this House on a very different ground from that on which other Legislatures stand; that there are in this Union

two classes of States, from one of which the majority of Congress must tamely submit to any and every insulting imputation, while the other class must not dare to breathe a suspicion upon the unsullied purity even of a committee of this House, but at the peril of being kicked with indignity out of your doors.

With regard to the imputation itself which appears to have so deeply wounded the feelings of the gentleman from Georgia—

[Here Mr. BOON, of Indiana, interrupted Mr. A., and demanded the orders of the day.]

The motion prevailed, 98 to 79, and the House went again into committee on

THE TARIFF BILL.

Mr. BANKS, of Pennsylvania, being entitled to the floor, rose, and said that, as the people whom he represented on that floor were principally engaged in agricultural, manufacturing, and mechanical pursuits, he had felt it his duty to examine the bill now under consideration, and ascertain, if possible, what will most probably be its effect upon those interests if it should become a law. The duty, said Mr. B., I have performed with care, attention, and even anxiety; and I now ask the indulgence of the committee while I submit the views which I have taken, and the conclusions to which my mind has come, on this most important and much distracting subject.

I occupy my place here as an avowed friend of domestic and American industry. I am prepared to go, in legislation, every just and reasonable length to protect the labor of our own citizens against the labor of foreigners, and the influence of foreign Governments. In doing this I would not go further than may be found necessary to accomplish this object. I would proceed with caution; yes, sir, even with guarded steps, lest, while protecting one species of labor and one species of interest, injury might be done to other labor and other interests, of no less importance to the country; and thus the cause which I profess to advocate, might be arrested in its advancement.

Pennsylvania, the State from which I come, and which I have the honor to represent, in part, on this floor, has at all times been the firm and steady friend of this protecting policy. That State looks upon this policy as being essential to her prosperity and welfare. It is to that policy that she is mainly indebted for her present highly improved condition. That policy has contributed largely to bestow upon the people of that State the many blessings and rich advantages which they now so eminently enjoy. That policy is well suited to the industrious and virtuous habits of the people of that State. Her local advantages are great; her agricultural resources are inexhaustible; her mineral wealth is not inferior to that of any State in this Union. That policy brings into requisition all the energies of her industrious people. It draws largely upon all her advantages and resources; insomuch that they cannot fail to impart to the people comforts, wealth, and independence, in a very high degree.

Pennsylvania has always viewed this policy as of great national importance; as a great national measure. She does not look upon it as beneficial to herself alone, but equally so to every portion of this wide extended country. When she asks that her interests and the labor of her citizens should be protected, she is willing that the same degree of protection should be granted to all the interests and labor of the citizens of every other State in this Union. Her principles on this subject have never been other than the most liberal. It is only by giving this general protection to all interests in this country, that the great benefits of this policy can ever be fully realized. It is this extension that gives to it a national character and national importance. It is this extension that enables one portion of the country to supply the rest with those articles which the people require, and which they cannot produce; and thus each part becomes a benefactor to the remainder of the community; and internal commerce is created, which is necessary for all, beneficial to all, and profitable to all.

I deem it of the first importance that this Government should adopt a policy which would enable us to provide by our own labor, our own means, and our own resources, all those things which are necessary for our wants, our comforts, and our independence, in time of peace; and for our safety and defence in time of war. It cannot, with truth, be said that we are either free or independent while we are compelled to look to foreign Governments for a constant supply of those things which we daily need for the subsistence and comfort of ourselves and our families. This state of dependence will always have an injurious effect upon our freedom; it is utterly inconsistent with our form of Government, and the habits and patriotism of our people. Much less can it be said that we are free or independent, when we are constrained to look to our enemies for our means of defence, our munitions of war. No, sir, I repeat it, emphatically repeat it, we are neither free nor independent, as long as we are fed, and clothed, and armed, at the will of our enemy. It is time that we should shake off this worse than colonial dependence. Let us provide for ourselves those articles which are so essential at all times; we have the means: all that is wanting is wise legislation on our part. The people will not fail to do their part in this great work. Until this is accomplished, we will be dependent upon the legislation of foreign Governments, upon the mere will of foreign Powers. Our supplies will be ever subject to interruptions, liable to be entirely cut off at the caprice of a foreign despot. Who would be willing to hold all the comforts of civilized life by so uncertain and precarious a tenure? Our citizens, while this state of things endures, will be subject to constant losses from fluctuations of trade, and from convulsions abroad. Let us then place the labor and industry of our own country beyond the reach, above the control of foreign influence and foreign legislation. Then, and not until then, will we be, in reality, what we profess to be, a free and independent people.

That I have thus spoken the opinion of my constituents, and of the people of the State of Pennsylvania, I cannot entertain a doubt. That this is their opinion, will be amply confirmed by recurrence to the messages of our State Executive, the resolves of our Legislature, of our State conventions, of our city, town, village, and county meetings. It is the opinion of the people as spoken through the press. I say, from all those sources but one opinion can be formed, and that is, that Pennsylvania cannot consent to abandon the protective policy. Whatever may have been the difference of opinion of the people of that State as to men or measures, all those differences were lost in their devotion to this policy: on it, sir, all united. I cannot but embrace the opinion that this policy is essential to the prosperity and welfare of my constituents, and of the State from which I come, and that it is equally so to every portion of the people of this country.

But we are told that this policy imposes unjust, unequal, and oppressive burdens upon a certain portion of the people of this country. If this be true, it ought to be changed. Much as my constituents value this policy, they would not persist in it if this was its effect. They do not wish to profit by the oppression of others. This is not their morality, nor their system of political economy. But, sir, permit me to examine this charge before assent is given to it. It is often more easy to prefer a charge, than it is to support it. I have been present here during two discussions of this subject. I have carefully examined all documents which have been furnished us. I have also listened to the discussions with attention; and

I now say, that no evidence has been furnished me, which has the slightest tendency to establish this charge; nor have I heard any argument advanced, from which its truth could rationally be inferred: but, on the contrary, the evidence proves, in the most clear, definite, and distinct manner, that the charge is wholly unfounded. The charge has been often made, and as often refuted. This policy not only does not impose those burdens, but, sir, confers blessings and advantages even upon this much complaining portion of our fellow-citizens, as I think can be most clearly shown. I will select the article of cotton for illustration. I believe those who are engaged in the culture of this article are most loud and clamorous in their complaints against this policy. How does it operate on the cotton planter? Does it lessen the demand for this article? Does it diminish the use or consumption of cotton? No, sir: I answer that it does not. The demand for cotton is increased, the consumption of it is increased. This policy has created an extensive and rich market for cotton in our own country. Nor does this market for it at home injure its sale abroad. While the market at home has been rapidly increasing, the sales of it abroad have been as rapidly increasing. This is a fact which is undeniable. So far as this policy has a tendency to increase the demand for this article, and the consumption of it, the cotton planter must be benefited. This is a conclusion which is irresistible, and that it has this direct tendency, has been most clearly proved; in fact, it is a conceded point. Nor is this the only way in which this policy operates beneficially to the cotton planter; while it increases the demand for the article, it returns to the planter the cotton fabric at a reduced price, and of a much superior quality, and of every variety suited to all his wants; and this has a strong tendency to increase the demand for the raw material. If I am correct in my premises, that this policy increases the demand for cotton, and returns the fabric at a reduced price, of superior quality, and of every possible variety, it must, in the nature of things, benefit the cotton planter. That it does so operate, I do not entertain a doubt; it appears to me to be so perfectly obvious as not to require comment.

That the imposition of duty upon articles imported does, in some instances, increase the price, is doubtless true. I think it will be found to be so as to tea and coffee. On those articles it will be, in strictness, a tax on the consumer. Those articles are not the growth of this country; our labor is not in any degree connected with them. Our supply is altogether from abroad. We have no competition, as to them, at home. The duty laid upon them is a burden upon the people; and, sir, I am opposed to this bill for that reason. These articles are used in every family in my district, by the rich and poor alike. Go into the country, and you will find tea or coffee once, if not twice a day, on the tables of the poor, as well as on those of the rich. Why, then, I ask, impose this duty on those articles? It is a tax on the poor, without conferring a benefit on any portion of our people. No duty should be laid on these articles. Let the poor have them as well as the rich. The duty will tend to keep the best quality from our market. I want the best quality imported and placed within the means of the poor who labor, as well as the rich, who do not.

When the raw material is raised to advantage in our country; when our soil and climate are congenial to the growth and production of the raw material; and when we can manufacture this raw material to advantage, then I contend the imposition of a duty does not necessarily increase the price to the consumer, and this for the most obvious reasons. By the imposition of duty, protection is afforded, which invites to the employment of capital and skill, which devises means to improve machinery, and save labor; genius is employed in the cause of excited competition; and thus the article is manufactured at the least possible expense; the supply of the market is greatly increased; this always operates on the price; the result is, that the article being produced at the least possible expense, and the increased supply of the market, compels both the domestic and foreign manufacturer to sell at the least possible profit, and the price is certainly less to the consumer. This, sir, is the operation of this system. Under the acts of 1824 and 1828, the prices were not increased, but, on the contrary, were diminished: of the truth of this, we have the most clear and convincing proof. In the cases put, it does not follow that loss falls upon any one; but it is most clear that it does not fall upon the consumer. If loss is sustained, it must necessarily be borne by the domestic or foreign manufacturer, and most likely is borne in part by each. I therefore think it is perfectly clear, and well settled, that this protecting policy does not impose unjust, unequal, or oppressive burdens upon any portion of the people. That it does, is a proposition which I utterly deny; it is a doctrine against which I enter my most solemn protest. I, therefore, cannot consent to abandon this policy, at the bidding, much less at the threat, of any portion of my countrymen.

But, Mr. Chairman, I have objections to any legislation on this subject at this time, which, with the indulgence of the committee, I will proceed to submit. Sir, at the last session of Congress, this subject was submitted to us for our consideration, and then received our action. It was then fully examined by two committees of this House, and elaborate reports were made. The people sent on their memorials from every part of the country. All the various interests of the country were then fully and patiently heard. The wants and wishes of the people were then made known to us, in the most ample and decided manner. Every congressional district in the Union was heard from. Probably on no occasion, since the organization of the Government, was the will of the people so fully made known to their representatives here, as on that occasion. We had all the light then that we have now. The subject was then discussed fully, and at great length. The claims of our Southern brethren were then presented in the most imposing form; our action was then demanded as a matter of concession and compromise. It was asked of us as brethren of the same community. Permit me to say that this had great weight in our deliberations. In the absence of this spirit of harmony and compromise, which was thus invoked, that bill could never have found its way through this House with the vote it then obtained. It was most unequivocally a bill of compromise and concession. It was asked as such, urged upon us as such, passed as such, and was acquiesced in by the people as such. This feeling was not exhausted in our House; it accompanied the bill until its consummation. Follow this bill in its progress before the committee of conference, and you will find, sir, that this same spirit found entrance and utterance there. Yes, sir, it was the all-controlling spirit there. What interest yielded there? Was it that of the South? It was not. It was the agricultural and manufacturing interest. The woollen interest, which is of the first importance to the people of this country, whether in peace or in war, was there yielded up as an offering to quiet the murmurs and discontents of the South. We were then promised harmony. We were then told that permanency would be given to the system of protection, and that the public should have some repose.

The law then passed provides for large reduction in the revenues. It gives that quality of the clothing used by slaves almost entirely free from duty. That article was put in the bill upon their own terms, for the benefit of our Southern friends. Southern staples by that law have a decided advantage in consumption over that of the State from which I come; and how has this law been re-

ceived by them? Have the pledges given been redeemed in good faith? Has the promised harmony been restored? Have we been permitted to enjoy that peace, repose, and permanency, which we had a right to expect? No, sir, far, very far from it. This boon, thus tendered by us in the best spirit of our nature, has been indignantly rejected. They have viewed what was given in friendship and compromise, as a victory, from which they have taken encouragement; their energies are redoubled, and they now press upon us with increased violence, and even threatened force, for a total abandonment of the protective policy.

This law was passed on their solicitation. It was intended for their benefit. It provides for large reductions. According to their own theory, it must necessarily remove, in no inconsiderable degree, their fancied oppressions. Why, then, not let this law go into operation? It might be found, on trial, that their conceived burdens would be totally removed. If there is any truth in their theory, they would be partially removed at least. If the law is permitted to go into operation, we will then be enabled to judge of its effects. We will then see and know what degree of relief it gives, if any; and will be the better enabled to form an opinion as to whether any more is required or needed. If the law, on trial, fail of its designed effects, that deficiency can then be pointed out. The defects can then be clearly and definitely shown; and the same spirit which framed the law will not fail to amend it, so as fully to attain its ultimate objects.

As this law is as yet untried, what its effects may be upon the revenue of the country are wholly unknown. It may turn out, on trial, that we have already proceeded in the work of reduction below the revenue standard. The national debt is not yet actually paid off, though provision is made finally to discharge it. There are many large claims against the Government which are unliquidated; we should take care lest we so reduce our available means as to be unable to meet those demands. We do not know what may be the operation of that law upon the labor of the country, or the manufacturing interests of the country, which have grown up under that system of policy from which it is proposed by this bill to depart. These are matters well worthy of our most serious consideration. We may already have gone as far as they can bear. To go further may totally destroy them. I want the light of experience on these points. In that guide there is certainty. It never leads statesmen astray. It would be dangerous in the extreme to proceed at random. Prudence counsels us to stop. To proceed further now would be rash and inconsiderate, and might prove ruinous to the best interests of the country. I am, therefore, decidedly opposed to any further legislation on this subject, until the virtues of the law of last session have been first tested.

Why repeal that law before the period fixed for it to go into operation? It is not known that it will be injurious in its effects. It has not been so said by any one. The South admits that it will remove their burdens in part. What was our excuse with the people for the protracted period of the last session? This question was often and anxiously put by them. Our reply was, that we were engaged in adjusting the tariff. This was our only excuse. It was deemed a sufficient justification. A large portion of our last session was spent on this subject, and in passing the law which it is now proposed we should repeal. How will we appear if we now repeal that law without any other light than we then had? It will be a direct admission that that time was uselessly, and worse than uselessly wasted. It appears to me that we would very justly be liable to the imputation that we had legislated last session purely for the purpose of creating a necessity to legislate this session; and that it took us all this session to undo what it took us half of the last session to do. And this, sir, in the absence of any good or plausible reasons being either shown or alleged.

This part of the subject may be presented in another view, which is of no little importance. The law of last session has been received by all whose interests were affected by it, as the rule to which their interests were to be conformed. Their arrangements have been made so as to meet its provisions. Their contracts were made in reliance upon its terms. It would be unjust to them now, without notice, to change that law. To do so would lead to inevitable loss. It would counteract all their arrangements, which have been made with prudence and in good faith. It would produce embarrassment, and even bankruptcy, with thousands who were faultless, except in placing confidence in our legislation. If this law is now, thus suddenly and unexpectedly, departed from, it will destroy all faith or confidence in our legislation. No prudent man would in future invest money in reliance upon our laws. Our citizens could have no love, affection, or attachment to a Government that would be thus unstable and treacherous in legislation. Every honest feeling of the human heart revolts at such a course of conduct on the part of this Government. We would not only lose the confidence of our people at home, but also our character abroad, by the passage of this bill. If it is important to an individual to sustain a character for punctuality with those with whom he transacts business, it is equally important that a great and powerful nation should sustain a character for wisdom, stability, and good faith in legislation, with all the world.

In the absence of all other pleas for the passage of this bill, it is urged upon us that South Carolina has proceeded to nullify our tariff laws; and that, to save the Union, it is necessary that this bill should be enacted into a law speedily. This is, in my opinion, the sole reason why this bill is now urged upon us. In the absence of this fact, I feel assured we should not have been troubled with this bill at this session. This, sir, is delicate ground. We should approach it with caution. To repeal a law, not because it is unjust, inexpedient, or unconstitutional, but because a certain portion of the people of this country have threatened to resist it, would be setting a very dangerous precedent. It is a precedent which I am not prepared to establish. And whenever this Government shall set this precedent, that moment this Union will be virtually destroyed. What else is it, sir, than giving a bounty to the most palpable and dangerous infractions of the constitution? Inviting and rewarding resistance to the laws and institutions of the country? This would be at once to surrender up the constitution, which we are sworn to support, to its most open and lawless violators. This, sir, is the last mode which I shall adopt to preserve our constitution and this Union. This disquieted people tell us they have planted themselves upon their sovereignty and their reserved rights. They have thus taken their position. I will, under these circumstances, plant myself upon the interests of the people, and the laws and constitution of the country. This, sir, is my position; it is one in which I feel strong, and from which I cannot be easily driven. This is the time that we should be firm, and act like statesmen, in legislating according to the dictates of our sober judgments, so as to promote the good of the people, and support the supremacy of the laws and constitution of the country.

In passing this bill, we will not only reward resistance to the laws, but we will punish fidelity to them. It ought to be remembered, that in South Carolina there is a large portion of the people who are opposed to this resistance, and who are found in obedience to the laws. These men are now proscribed by the laws of that State. It is declared by a law of that State that they shall hold no office—that they shall not even sit as jurors, unless

they will take an oath to observe the laws of nullification. Then, I say, pass this bill, and you give the nullifiers the entire ascendancy. They will claim the victory as theirs. They will proclaim themselves as the liberators of the South from their oppression; and thus those men, who, from principles of patriotism, from love of country, and fidelity to the laws, have refrained from resistance, will be altogether subjected to those friendly to nullification. Justice to those worthy citizens, in my judgment, most peremptorily forbids our action at this time.

As to nullification, I had not intended to say any thing, nor will I now say much. But I cannot forbear saying that I view nullification as a remedy, for I do not call it a right, which is unknown to the constitution—a remedy which does not flow from the constitution, but is at variance with all the provisions of that instrument, and against both its letter and spirit. It is a remedy, sir, which is not only against, but above the constitution. It is a remedy which never can be applied until the constitution is uprooted and entirely overthrown. This remedy, sir, whenever applied, will lay low the liberties of our country. I have thus given, very briefly, my reasons for believing that we should not legislate at all on this subject at this time.

Mr. Chairman, I have objections to the bill itself, which I will present in a few words. The bill, as I understand its provisions, and the principles upon which it is based, is for revenue merely, and not for protection. Although in form it retains protective features, yet in substance it is but a mockery of that system. I am no advocate for extravagant expenditures of the public money in the administration of this Government, nor would I be disposed to raise a greater amount of revenue than is necessary to answer and meet the various wants of the Government. Let us only agree as to what constitutes these wants, and I will be perfectly satisfied that the revenues of the country should be limited to that point. I, no doubt, differ widely in opinion with many gentlemen on this floor, as to what are legitimately the wants of the Government. I would embrace all objects of internal improvement, such as are purely of a national character, of national importance, and promising national benefits and advantages. These objects should be provided for and constructed at the national expense, and out of the national treasury.

I also think that a proper protection to the industry and labor of our own citizens, and to the various interests which have grown up under the tariff laws, is among the most urgent wants of the Government. These, sir, should be provided for. Whatever duties are laid, and revenue collected, so impose the duties as to afford the greatest possible degree of protection that the sum raised will afford. This bill is not framed with a view to this object. It does not appear to have entered into the contemplation of the committee when framing the bill. Why increase the duty on tea and coffee? It could not be for protection. It could only be to withdraw the sum thus raised from the protection of our own interests. It could be laid with no other view. It can be accounted for on no other principle. I repeat, then, whatever sum is raised, let it be so laid as to protect our own industry, our agriculture, and manufactures. To those branches which are of the greatest importance to the country, and stand most in need of our aid, grant the greatest degree of protection. To those branches which are not so important, or which are more able to sustain themselves against foreign competition, grant a less degree of protection. I desire to see a bill framed on this principle. The Committee of Ways and Means made no effort of this kind. I feel confident that a bill can be framed on this principle, which will afford all the protection to our interests which we want, which will not raise a larger amount of revenue than is necessary for the legitimate purposes of the Government, and which will not operate with undue severity upon any portion of the people of this country. And, further, that it can be made so clear and obvious that all those purposes are answered, that no one will dispute it. This is certainly desirable. It is at least worth a trial. This would quiet discontents in all quarters, and give permanency to our legislation and national policy. These are objects of great importance, and devoutly to be wished for by every lover of his country. I do not despair of accomplishing these ends. I entertain no fears on this point. Let us be prudent and patient. I have full confidence in the intelligence and justice of the people. This perplexing question will be settled—wisely and beneficially settled. But let us now abstain from rashly passing a law which must and will destroy all hope of its future adjustment.

This bill proposes a total change of the long and well established policy of the country—a policy which has often been decided on by the nation, and most happily acquiesced in by the people. This policy has been lenient in its operations. The people have never complained of it as a burden. They do not know, or feel, in their business, that they pay any part of the duties. So great are the countervailing benefits, that it inflicts not injury, but confers benefits. It builds up the interests of all; its salutary influence reaches all classes of society, but more especially the laboring class. Their incomes are increased by it, their reward is more ample and adequate, and a demand for their labor is created. It confers blessings upon all, and imposes burdens upon none.

We should not suddenly, and without deliberation, change a policy which is so well established, and has been so long practised under; particularly a policy which has contributed so largely to our individual and national prosperity. It gives labor and sustenance to the poor, and augments the means of all. The Committee of Ways and Means urge but one reason for this departure at this time; and that reason is, that the national debt is now paid off. This, as the committee very justly observe, will be a "happy and memorable event" in the history of our country. It will be a period to which every patriot will look with pride and satisfaction. This event will inspire a confidence in the excellence of our institutions, both at home and abroad. It is calculated to awaken our most ardent hopes that our Union may long endure, and our people still continue to prosper. Those wise statesmen who devised the means which have proved effectual to produce this happy result, will secure a rich reward in the gratitude of the people. They will have lasting claims upon their thanks, for having done much for their good, and for their country's honor. But, while we view this result with the noblest feelings of our nature, and award a just degree of gratitude to those who have contributed to produce this "happy and memorable event," let us not forget the means by which we are enabled to present to the world "this great moral spectacle" of a great nation entirely free from debt. While we rejoice, I say, let us inquire what it is, that has enabled us to extinguish our national debt. It is admitted that the protective system has furnished us the means. It is to that now much despised, and still more abused system that we are indebted for our ability to pay the debts of the nation. In the absence of this system, our debt would not now be paid off. It would have been much increased, and still increasing; and would, at this moment, have been pressing with a millstone's weight upon the people and prosperity of this country. In the absence of this policy, sir, recourse must necessarily have been had to direct taxation on the part of the Government. Then, sir, the people would have been oppressed in reality, and not, as they are now, disturbed and distracted with their too great prosperity.

The great excellence of this system has been, that

while it raised funds to enable us to pay the debts of the nation, no man could say that his means were limited in the smallest degree by its operation. The profits of the laborer were not diminished, nor did his labor yield less. This system, then, not only furnished us the funds to pay our debts, but, in the very operation of raising these funds, enriched the people. This had been its greatest virtue. That this is so, I appeal directly to the people; I appeal to my immediate constituents, and I put to them this question, what were the years of your greatest prosperity? To this question but one answer can be given; and that will be, the years in which the highest duties were laid, and the largest amount of revenue collected. Go, sir, to every farmer, every mechanic, every manufacturer, and to every day laborer, and put this question to him, and you will receive this answer. Look, sir, over the face of this wide extended country. The enlarged improvements, the farm houses, villages, towns, and cities, which have sprung up as if by enchantment, within the period of these years, which catch the eye at every point, stand as living and lasting monuments of the truth of this position. When, in the history of this country, has there been, in the same space of time, any thing like an equal increase in improvements and prosperity? Look into the history of other nations, and no example can be found of equal advance in the march of civilization and general prosperity. I then ask, shall we be precipitate in changing a system which has done so much for us? One to which we are so largely indebted? One which has made us rich and happy as individuals, and prosperous and independent as a nation? Above all, shall we exchange this system for that miserable one which sunk this country into that state of poverty and bankruptcy from which it is just now emerging? I ask gentlemen to pause—I entreat them to reflect before they proceed to this work of destruction; for, sure I am that they who do the deed will be held responsible by an injured people, and an offended community.

If this bill passes, it will affect the labor and industry of thousands of our citizens. It will reduce them to want and poverty. They will be left destitute of employment, and thrown into a state of idleness, one of the worst conditions of man. These people are now happy and prosperous. By their labor, from day to day, which is their only capital, they are earning, by the strength of their arms, and skill of their hands, a comfortable subsistence. They are educating their children, and thus preparing them to be useful and honorable members of society, to take their places when they are removed from this scene of industry and action. Blot from existence all the manufacturing establishments of the country; scatter abroad the many millions of capital now employed in them; compel that capital to seek other channels of employment; throw the many thousands of people now employed in manufacturing business upon the world, destitute alike of means and employment, and I ask, how great will be the shock? Why, sir, no just estimate can be formed—no branch of business will be beyond its reach. No business so high, perfect, and secure, as not to be affected by it; and none so low as not still to be pressed lower. Change of employment, both of capital and labor, is always attended with greater or less loss. In this case all employments, even including that of the farmer, will be so paralyzed that neither capital nor labor will find profitable employment. It will sacrifice millions of money, and blast the hopes and mar the prospects of thousands of our people. The manufacturers will no longer want the wheat, the flour, beef, bacon, and other products of the farmer. He will no longer want buildings erected, foundations dug, or materials which give much employment, and furnish a valuable market; all of which are now paid for at high prices. The farmer and laborer will no longer be enabled to get those things which he needs for himself and his family, in exchange for his commodities and labor. The only market the farmer now has will be destroyed. No man can for a moment doubt that the prosperity of the country must rapidly decrease, under this depression of these great and vital interests. The truth of this representation appears to me as clear and indubitable as the existence of matter itself. Much has been said about monopolies. Pass this bill, sir, and then we will have monopolies which are to be feared, which confer no benefits, give no employments, but are enriched solely by the distresses of the poor; granting them no relief, but by taking their property for less than one-tenth of its cost. I mean, sir, the men of capital, who never buy but from him who is forced to sell.

The manufacturers are not now before us asking for further protection: they only desire that they may be permitted to enjoy the benefits of the existing laws; of laws which brought their business into existence; of laws, in the faith of which their money was invested and labor employed. I have already said that their calculations have been made so as to conform to these laws. The nation stands pledged that they shall enjoy the promised protection. It would be unjust now to withdraw it: changes in legislation are always injurious; in this instance they would be ruinous. It is time that we should have arrived at something like stability in our actions.

Much has been said on the subject of free trade. We now import many millions more than we export. This is a constant drain upon us. It takes our specie out of the country. Our importations, under all the duties which have been imposed, are much too great. We now admit foreign goods into our ports, under moderate duties, while great Britain prohibits most of the valuable productions of our country from entering into her ports. Many foreign Governments now impose heavier duties upon our productions than we do upon theirs; and we are urged to reduce our duties still lower. To do this, would be injudicious and unwise on our part, while other Governments retain their rigid rules of prohibition against us. This has not the semblance of free trade in its character. It is free on our part, and prohibition on theirs. There is no reciprocity or equality in it. Great Britain never has adopted, towards us, the policy which we are now urged to adopt in regard to the whole world. She very wisely makes her laws for herself, and for her people, and not for us or our people. She does not now, and never has bought from us, because we bought from her. She never has, and, I hazard the assertion, she never will adopt that principle as the rule of her action towards us. She takes our products when she can profit by it, or when compelled by the necessities of her people. She ceases to take them as soon as she can do better, or when the necessity ceases. With what reason can it now be urged upon us to open our ports to foreign importations under these circumstances? Our legislation should be such as to meet the wants of our people. We should guard and protect the rights of the people and interests of the nation against the influence and effects of foreign legislation. This I deem to be one of our highest and most important duties. When other Governments open their ports to our products, it will then be time for us to open ours to theirs.

The free trade policy is designed and well calculated to mislead the people. It is addressed to a desire that is very prevalent in man—the desire of obtaining the largest portion of goods he can in exchange for what he has to give. The friends of free trade say, let us buy where we please, and where we can buy cheapest; and this is called free trade. Mr. Chairman, indulge me a short time, while I briefly examine this doctrine. I have already shown that to destroy the manufacturing interests of the country, is to destroy the only market which our farmers now have. This being done, let us adopt the free trade

system. Let the farmer take a cargo of his agricultural products to a foreign market, and go to the foreign merchant and offer him his best wheat, whitest flour, best beef and bacon, in exchange for his goods, he will be told that he cannot obtain the exchange, much less sell them for money; and, in some instances, he would not be permitted to enter with his products into a British port, under penalty of confiscation. This, sir, is the right, and also the benefit of free trade; and what right does it give to the farmer? It, to be sure, gives him the right to buy where he pleases; but, in giving him this right, it totally destroys his ability to buy. It gives him a right, without any corresponding benefit. I feel well assured that no farmer who once tries this experiment will be much pleased with free trade.

For argument sake, let us suppose that this free trade system could secure the foreign market; how would it operate on the farmer, mechanic, and laborer? When the farmer sells his produce, he has always to deduct the cost of transportation to market from the price. The merchant who gives him for it, in exchange, articles of foreign manufacture, always adds the cost of their transportation to the price which he charges for them; so that the farmer has to pay for carrying the produce of his farm to the foreign market, and also for bringing the foreign article to his own door. Every farmer, in his own experience, knows this to be so. It is always so. We may add to this the profit which each one must have, through whose hands the foreign goods pass. All this expense and charge is borne by the farmer who consumes the foreign article or fabric. I then submit to intelligent men to say whether these costs and charges would not operate more heavily upon them than any duties which have ever been laid by this Government. I do insist, sir, that they would be the heaviest tax ever paid by the people of this country. It would operate severely upon all, but particularly so upon those who live in the interior of the country, far from market, and this distance altogether land transportation. Many agricultural products are so bulky as not to admit of transportation to a distant market. Destroy the home market, and the farmer would find no sale for these articles. And, what is strange, these free trade gentlemen all oppose every measure calculated to facilitate or cheapen transportation by means of roads or canals. How are the evils which I have stated to be avoided or removed? Adopt a policy which will erect in every neighborhood a manufacturing establishment. This will furnish the farmer with a market. He can take his produce there, and get, in exchange for it, those articles which he needs. He then saves all cost of transportation, which, when paid, is a clear loss to him. In saving this, he will save more than any duty ever laid by any of our laws would amount to on the articles he consumes.

The contest is really one between the labor of our citizens and that of foreigners, particularly of Great Britain. The question which is presented is this: Shall we protect the labor of our own citizens, or shall we support that of the people of Great Britain? She protects her own labor by her laws. Her people are customers to none but their own laborers. Our laborers find no market there. Shall we become customers to her labor also, or shall we be customers to our own, and protect our own? Shall we, by our legislation, force our hatters, tanners, shoemakers, tailors, cabinet makers, and the entire list of our mechanics, into a market, to compete with labor that costs but nine pence a day; I mean the pauper labor of England? This would, indeed, be a most unequal contest; a contest which would not be of long duration, or of doubtful character. It would, indeed, be most disastrous to our laboring people. It would reduce this most valuable and very numerous class of our citizens from the present high and honorable place which they now so deservedly hold in society, down upon a level with the most degraded and enslaved population upon the face of the earth.

Who are these citizens that are thus to be handed over to misery and degradation? Sir, permit me to say they are our farmers, manufacturers, mechanics, and laborers, many of whom are men of the highest moral and political worth; men of the finest intellectual attainments; men fitted for the highest stations in this Government. They may be emphatically called the "bone and sinew" of the country. They are the men who support the Government by their money in time of peace, and they are the men who stand forth as strong towers of defence to the country in time of war. These are the men who, by this bill, are to be postponed to the pauper labor of England. Those who dare to produce this effect by their votes may do so; I must be permitted to say that I cannot go with them. I would be treacherous to the trust reposed in me if I did not resist this bill. It is the farmer and mechanic that I represent here. They are my neighbors. It is with them, sir, that I have the pleasure to associate, when at home; and theirs are the interests which I shall support, advocate, and defend, while I am honored with a seat here, or have the privilege of raising my voice in this hall.

A few words more, and I have done. The prosperity of the people of this country depends almost entirely upon our agriculture. It is from that source that we draw the largest portion of those things which are necessary to sustain life, as well as those which contribute to our highest comforts and most substantial enjoyments. Let us then guard well the capital and labor that is employed in the cultivation of the soil. Let us secure to this labor and skill the most ample returns and rich rewards. Agriculture may well be said to be the foundation of all other pursuits: on this they mainly depend for support and success. It is so now, and must necessarily continue to be so. It is our duty to lay this foundation firmly: without this is done, manufactures, commerce, and the arts, never can flourish. Withdraw from agriculture that protection which is necessary for its support, and they will all languish and die; they will sink into one common grave.

This protective policy has a most auspicious influence upon the morals of the people: it stimulates to habits of industry. The practice of virtue is always in proportion to the industry of the people. An industrious people is always a healthy, peaceful, independent, and virtuous people. In proportion to the prevalence of industry, intelligence, and virtue among the people, will the community which they compose ever rise in wealth, influence, dignity, and power. The history of every nation furnishes abundant evidence of the truth of this fact. It also holds equally good to individuals as it does to communities. And wherever you find the people contract habits of idleness, you will find them dissipated, miserable, degraded, and enslaved, wholly unfit to discharge the appropriate duties of good citizens in a free Government; fit subjects alone for the prey of ambition. In this point of view, I deem it of vast importance to this nation to protect the labor of our citizens. This is one of the most valuable purposes of giving a wise encouragement to our own industry. Its direct tendency, and natural and unavoidable consequence is, to make our people intelligent, happy, virtuous, free, and independent. Let us then, by a wise, prudent, and salutary system of legislation, secure these objects to the people; and, having done this, the great end of civil Government will be attained. I thank you, Mr. Chairman, and the committee, for the kind indulgence and attention which has been shown me, and shall trespass no longer on your patience.

Mr. EVANS, of Maine, followed. He commenced by observing that the chairman of the Committee of Ways and Means had alluded to an opinion expressed by the

State which he in part represented, hostile, as the honorable gentleman seemed to consider, to the protective policy—a policy which, in my judgment, said Mr. E., the bill under consideration is eminently calculated to subvert. Another member of the committee [Mr. POLK] has adduced certain evidence, collected by the Secretary of the Treasury in the same State, tending, as he supposes, to prove that the existing rates of duty will admit of considerable reduction, and still afford sufficient protection to agricultural and manufacturing labor and capital. As these references are designed, perhaps calculated, to have a favorable influence upon the passage of this bill, I deem it my duty to examine somewhat more minutely than did either of the honorable gentlemen, both the opinion and the evidence, to see how far they can be relied upon in support of its provisions; and I shall be much mistaken if it do not turn out that both utterly fail of the end for which they have been cited. While this is my chief inducement in requesting the attention of the committee, already well nigh exhausted, I am sensible, I shall, nevertheless, avail myself of the occasion to submit a few remarks upon the general topics involved in the discussion.

I shall not say, sir, that this bill was rashly, unadvisedly, precipitately brought to the consideration of the House; because the honorable chairman has assured us that, although it was reported in eighteen days after the subject was referred to the committee, it was yet the fruits of eighteen months of labor, reflection, and preparation. I may, however, be allowed to remark, that, considered as the result of so much study and intelligence, it has met with a most ungracious reception. It seems to satisfy nobody. Recognising, as we are told by the committee it does, the principle of protection, and framed with a view to preserve it in several important particulars, it cannot of course be satisfactory to those portions of the country where the constitutionality and the expediency of the policy is so resolutely denied; and especially to those which have resolved "that a protecting tariff shall be no longer enforced" within their limits; a resolve which they declare is "fixed and unalterable." As a measure, therefore, of "concession" and peace, it falls short of the demands of those whom you desire to appease. Nor, sir, is it much more satisfactory to those who uniformly have resisted protecting duties, upon other considerations than prevail in the disaffected portions of the country. The honorable member from New York [Mr. CAMBRELENG] declares, very emphatically, "that the fate of the bill depends upon the amendments which it may undergo;" and his honorable colleague [Mr. WHITE] has signified his views by a series of proposed amendments, which he some days ago laid upon the table, materially changing the provisions of the bill. Various other modifications have been offered from different quarters, and many remain to be offered. Now, sir, if the intelligent committee, with all the lights which they have been able to call to their aid, after much and laborious examination, have not found it practicable to devise a scheme for the diminution of the revenue satisfactory to those who agree with them in the general object, ought we not to be admonished with what prudence, and caution, and deliberation, we should adopt measures equally affecting the interests and the prosperity of this great nation? Is it unreasonable that we should desire a longer period for the consideration of this subject than can now be devoted to it; that we should at least wait for the experience of the operations of the law of last year? Above all, that we should be permitted to look into the voluminous mass of testimony collected by the Secretary of the Treasury, under the direction of the House, directly bearing upon the great questions we are about to decide? Why, sir, are we called upon to proceed so hastily, and in the dark? Before I can vote to reduce the revenue still lower, I wish to know at what point it will stand under the act passed at last session, which made large reductions. Before I consent to withdraw still further duties imposed for protection, I wish to see the effect upon the labor, industry, and manufactures of the country, of the diminution already made. I wish to guide my steps by the sure lights of experience—the safest teacher in all human affairs.

The discussion, so far, I am aware, has proceeded upon the general questions connected with the policy of the country. Of this the Committee of Ways and Means seem disposed to complain, and they urge us with great earnestness to forbear this wide range, and to proceed to an examination of the details of their bill. With great respect to the honorable committee, I beg leave to say, sir, that I consider this rather an unreasonable request. I submit, sir, that to those of us who consider that no legislation whatever is at this time either necessary or expedient, nothing remains but a discussion upon general principles. We are satisfied with the law as it is, for the present, at least. We wish no change. And while we are endeavoring to maintain these positions, what have we to do with the details of the bill? We plead to your jurisdiction; we pray "to be hence dismissed," and you gravely ask us to go to trial upon the facts. While we are denying the expediency of legislating at all, you require us to limit our objections to the particular details which you propose. I think, sir, we should be permitted to deny your right to pass any act whatever at the present time.

The bill which we are now considering is avowedly a financial measure. It respects the revenue exclusively. It emanates from a committee charged with exclusive jurisdiction of whatever regards the public receipts and disbursements. As such, I am not disposed to deny that it will answer all the ends it professes to reach; that it will produce just so much, and no more, revenue than the wants of the Government require; although I think it more than probable that it will yield quite as much, if not more, than the bill of last year would produce. But as a financial scheme merely, where is the great and urgent necessity for its speedy adoption? Do we know, with any degree of certainty, what will be the amount of revenue under the existing law? Are we quite sure, sir, that it will require diminution? Is there any serious evil to be apprehended from a redundant treasury for a single year? Not at all, sir. As a financial measure simply, it may well be postponed to another Congress. It is because it is something more and something different from a mere question of finance, that it is now urged with so much zeal and earnestness. Will it be denied that the chief, almost the exclusive interest which is felt in the fate of the bill, grows out of the consideration that it is aimed more at the destruction of the policy of protection than at any other object? Sir, we know that this is the end to be obtained by it, and the country knows it also; and it is precisely for this reason that I am opposed to its passage now, or hereafter. I am not prepared to abandon this policy; nor do I believe the country either demands it at our hands, or would sanction it, if we should be so rash as to make the experiment.

The bill has been defended by the honorable committee from which it proceeded, upon three grounds. The chairman [Mr. VERPLANCK] contented himself with proving, or attempting to prove, that the revenue of the country should not exceed the sum of fifteen millions of dollars, and that this bill, with the other sources of income, would yield that amount. I am not aware that the honorable gentleman placed the bill upon any other ground whatever. Another member of the committee, the gentleman from Georgia, [Mr. WILDE,] advocates the passage of the bill upon the ground of your inability to enforce the existing revenue law without a resort to force, and, as he supposes, a consequent severance of the Union. The

honorable member from Tennessee, [Mr. Polk,] also one of the committee, sustains the bill upon the assumption that it affords a sufficient protection to existing establishments, and would be as really beneficial to the manufacturing and agricultural interests, as higher rates of duty upon foreign importations would be. This opinion he endeavored to maintain by reference to testimony collected by the Secretary of the Treasury. Mr. E. said he had a few remarks only to submit upon these various positions. As to the reduction of the revenue to the wants of the Government, I believe, sir, all concur in the expediency of such a measure. But there is a wide difference of opinion as to what the wants of Government are, and a wider still as to the manner in which the reduction shall be made, assuming that it is necessary to make further reduction at this time. If fifteen millions are sufficient for the support of Government, are we certain that the bill of last year will yield more than that amount? I lay out of view the proceeds of the public lands, which I hope will no longer contribute to the public treasury. If your purpose—your great purpose—be really to diminish the revenue, let us first strike off the three millions derived from this source, agreeably to the bill now upon the table, which I trust will be matured into a law at the present session. Having done this, give us one year's experience under the act passed last year, and if it be then found that the revenue is still excessive, undoubtedly measures can be devised, will be devised, further to diminish it. Not, however, by increasing duties upon tea, coffee, silks, &c., but by such an arrangement of duties upon imports, as shall attain the object without impairing essentially the protection afforded by existing laws. I object to the bill under consideration, therefore, as a financial measure, because it proposes to raise a revenue upon the basis that the public lands are still to be relied upon to contribute to the common treasury of the country; because it proposes to diminish the rate of duties when we have no satisfactory evidence that the existing tariff will yield more than the wants of the Government will require. Sir, give us experience; give us that light and information which can be derived from this source alone, for I am sure, without regarding other and extrinsic considerations, and considering this simply as a measure of finance, no alarming evil can happen, no great danger exist, even if your treasury should be redundant for one year. I do not, therefore, perceive the exigency of the crisis, upon the grounds which the honorable chairman has taken in defence of the bill.

But, sir, the honorable gentleman from Georgia [Mr. Wilde] has urged the passage of this bill, upon the ground that the existing revenue laws of the country will not be submitted to in one of these States, and can only be enforced by an appeal to physical strength and the power of arms. I shall not repeat a sentiment already advanced in this debate, "that the committee have taken counsel of their fears," because they repudiate it with some degree of warmth; but I must, nevertheless, sir, be allowed to say that they address themselves to us, as if our fears are to be excited, and we are to be intimidated into the passage of the bill. What, sir, repeal the laws of the land, enacted upon great deliberation, in pursuance of a long established policy, satisfactory to a great majority of the country, because, indeed, a portion, the larger portion at present, I admit, of one of the States threaten to resist their execution! If the laws are unjust, unwise, and oppressive, modify them by all means, because they are thus unwise and ill-founded, but for no other reason. The gentleman from Tennessee [Mr. Polk] pursued this appeal to our fears, and he says "if we refuse to pass this bill, consequences will ensue, in contributing to which he is not ambitious to participate." To be sure, sir, he also says, "that he would do now what would be right under any other condition of the country than at present exists;" and he inquires what answer we shall give to our constituents when they demand of us, "wherefore did you not pass the bill? why did you not relieve our burdens?" If these interrogatories should be put to me, sir, I will inform the honorable member of the answer I should give. I should reply that the bill was designed to reduce the revenue of the country to the wants of the Government. This was its avowed object: that having passed a law last year after much time and careful deliberation for this same purpose, of the effect of which we were wholly ignorant, we did not know that the revenue would admit further reduction at present; that the act alluded to was then highly satisfactory to the country generally, and no evidence had been afforded of a change of sentiment; that in the opinion of well informed persons, the present bill would yield as much revenue to the treasury, or nearly so, as the existing laws would yield, and thus the great purpose of it would be defeated. I should reply further, that the bill contemplated a reliance upon the public lands as a source of revenue, in preference to a distribution of their proceeds among the States for important objects; and, above all, that the enactments of the bill would be utterly subversive of the policy of protecting American industry, and expose the manufacturing and agricultural interests to inevitable loss and distress, and in some particulars to total ruin. For these reasons, I should tell them the law did not have my approval, and I misjudge my constituents exceedingly, if these reasons failed to be satisfactory. If I should be further interrogated in the language of the gentleman "Why did you not relieve our burdens?" I should say, I was not aware that you labored under any "burdens." I heard no complaints. No petitions were forwarded setting forth your grievances. On the contrary, I thought I perceived every where evident marks of prosperity and success, growing out of the operations of the protecting policy. The results of it have been, in my judgment, beneficial and not burdensome, and the change recommended would be to impose burdens rather than to relieve them. These, sir, would be my answers, very briefly expressed, if I should be interrogated "Wherefore did you not pass the bill?" But let us suppose that the bill should be enacted, and I should be inquired of, "Wherefore did you pass it?" What reply should I make? In the first place, I should deny (all the gentlemen say so) that we are at all influenced by our "fears." No, we are not intimidated, we are only doing now "what we would do under any other condition of the country." Well: then I proceed to say that we found the revenue excessive, and it became necessary to reduce it; that we regarded the present a proper measure for that purpose; that it does not impair essentially protection to our industry, or manufactures, or agriculture; and, on the whole, that it is a wise and prudent measure. So far, sir, I might proceed pretty well; but a new set of questions would then arise. If these things be so, they would say, when did you first discover them? Had you any new light? any information which you did not have at the last session? Not any. Did you not know as well then as you do now, the amount of revenue which the law then passed would yield? We did. Did you not know then as well as you do now, the amount necessary for the wants of the Government? We did. Did you not know then as certainly as you do now, the rate of duty requisite to afford reasonable and proper protection? We did. Did you not refuse at the last session to pass a bill like the present, or in any degree approaching it? We did. They will naturally inquire, why did you not enact the law then which you approve now? Why did you not then settle this vexed and agitating question? If it be wise and just now, was it less so then? Why do you so incessantly disturb the whole business of the country by your vacillating policy, your unstable, fluctuating

legislation? Sir, what reply should I make to these interrogatories? Suppose I should be questioned still further: Did you see the constitution, the laws, the sovereignty of the Union, which you were sworn to defend, openly derided and threatened? and did you therefore abandon the convictions of your own judgment, and consent to a measure which you had before resisted? Did the termination of the recent presidential election produce any change in the posture of this subject? To be sure, I should answer, something was said openly and in debate, as to the necessity of appeasing South Carolina, and submitting to her ordinance; something also about "a debt of gratitude" due from New York to the State of Georgia, for the support given by that State to a distinguished citizen of the former; some mysterious hints also as to the interest which New York might have in conciliating the South to the future advancement of the gentleman alluded to; and a significant warning, that if he did not step in now "while the waters were troubled," some other person would: but notwithstanding all this, I should answer (should I not, sir?) that we have "done only what we would have done in any other condition of the country." No unworthy consideration, no improper influences, were allowed to operate. I confess, sir, I should hesitate to practise so far upon the credulity of any man, as to assign any other reason for my support of this measure, if I were to support it, than such as are indicated in these questions. Other gentlemen must answer for themselves.

Sir, as to the late movements in South Carolina, to which reference has been made by the honorable gentleman from Georgia, [Mr. WILDE,] no one can regret them more than I do. It may be, as he assures us, that the Union is in danger. It may be that the character and strength of our Government is about to be put to the test. But what then? Shall we meet the crisis firmly, calmly, fearlessly? Or, shall we abandon the support of the constitution and the laws, and engraft into our system of government the absurd, dangerous, fatal doctrines put forth by South Carolina? It is the lot of all human Governments, and all human institutions, to be tried. We cannot hope to be exempt, more than others, from the universal law. Our Government has been tried, in various ways, before: it is tried now, it will be tried hereafter, or all the lessons of history are read to us in vain. Let us prepare it for these conflicts. Let us build up and strengthen its fortifications. Let us not expose it and ourselves to the derision of the world. The honorable gentleman has said that the bill now pending in the other branch of the Legislature, if enacted into a law, "is not consistent with the continuance of the Union," and his argument seemed mainly directed against that measure. I shall not now discuss it. "Sufficient unto the day is the evil thereof." But, sir, as to the sentiment which the gentleman advances, that if this policy be persisted in, one of the glorious stars of our constellation will be obliterated, and sink to night and darkness, and become "the lost pleiad" of the sisterhood, I have to say that I hope not, I believe not. Of that South Carolina will judge, and determine for herself. But if it must be so, sir—if it must be so—it must; and what then? Does not that beautiful constellation still traverse its pathway in the heavens as high, and shed its beams as beneficent, and as bright to our eyes, as it did 4,000 years ago, to those early astronomers who "watched their flocks by night" on the hills of Judea? "Canst thou bind the sweet influence of the pleiades?" If South Carolina choose to become "the lost pleiad," it may be, sir, that some centuries hence, perhaps not many, it will rest only in poetic imagining or uncertain tradition, that she was ever clustered within this sisterhood of stars. Her light, "dimmed and gone," may be beyond the reach of any telescope which history can furnish, to bring to those days the transactions of the times in which we live. South Carolina, sir, will judge for herself whether she will continue in her sphere, mingling her rays with ours, or sink into darkness and oblivion, become "lost"—lost indeed—lost to the future, lost to the past, lost now, lost forever.

Mr. Chairman, the honorable gentleman from Georgia, quitting the region of the stars, has drawn a parallel between the oppressions inflicted by Great Britain prior to the American revolution, upon these then colonies, which led to the independence of this nation, and the sufferings endured by the southern portions of this Union, under our own paternal Government. The learned gentleman has discovered a very exact similitude, and he admonishes us, from the lessons of history drawn from that conflict, to beware how we imitate the fatal policy of the mother country. Sir, I do not myself perceive the resemblance. Against what did the colonies remonstrate? What was the great cardinal principle they maintained? That taxation and representation should go together. They denied the right of the Legislature of Great Britain to levy taxes upon them, because they were not represented in that Legislature. Is it so with the South, sir? Let us suppose that the colonies had been represented in both Houses of the British Parliament, in proportion to their population: nay, sir, in a greater degree than their relative numbers would justly entitle them to claim; that the executive administration of that Government had been confided to the hands of the colonists in the ratio of thirty-six years to eight years; that the places of the Norths and Hillsboroughs, and their colleagues in the ministry, had been filled by the Adamses, the Hancocks, the Henrys, of America; that the Speaker of the House of Commons and "the noble lord upon the Woolsack" had both been citizens of these "oppressed" colonies, exerting the influence of their stations upon the leading policy of the kingdom. Nay, sir, let us suppose that the very measures complained of had their inception and their origin on this side of the Atlantic, and in a measure were forced by the colonies upon a reluctant nation—what declaration of grievances, I ask, would "a decent respect for the opinions of mankind" have enabled the sages of the revolution, the founders of our republic, to promulgate to the world in justification of the necessity "which impelled them to the separation?" Far, very far different, I am sure, from that glorious instrument which they did hold up to the gaze of an admiring world; but not from such as the "oppressed South" would now promulgate, if she chooses to unfurl the banner of rebellion, and to justify it by an appeal to the sympathies of mankind, for the oppressions she has endured.

Sir, I think it extremely to be deplored that we have become accustomed to speak so familiarly of "revolution," "disunion," "secession;" of the blood which may flow, shed by our hands; of the throwing off the oppressions of our Government, by force. I am not of those who can either look upon or contemplate "scenes of blood and carnage with composure;" and I do not wonder that gentlemen occasionally feel an involuntary shock at references so appalling. Yet, sir, would it not have been well if the sensibilities of gentlemen had been somewhat earlier excited? if they had perceived the revolting character of a strife of blood before my honorable friend from Ohio [Mr. VINTON] had so wrought upon their "involuntary" emotions? Let us see, sir, who has talked most familiarly of "blood."

In the address to the people of the United States, by the late convention of the people of South Carolina, is this sentence: "But if, notwithstanding, such a course of madness should be pursued, we here solemnly declare that this system of oppression shall never prevail in South Carolina, until none but slaves are left to submit to it. We would infinitely prefer that the territory of the State

should be the cemetery of freemen, than the habitation of slaves." That is, sir, if the laws of the Union are to be maintained; if the Government of their choice is to be upheld, they would "infinitely prefer"—"infinitely prefer" that the soil of their State should be their cemetery. Why sir, upon this floor, have we not heard the same sentiment more than once uttered, and yet gentlemen then repressed their "involuntary" emotions? A gentleman from Georgia [Mr. Clayton] last year said, that sooner than submit to a decree of the Supreme Court of the United States, "Georgia would become a howling wilderness." Why, sir, is it only when laws are to be prostrated, when Government is to be overthrown, that it becomes humane, patriotic, and praiseworthy, to brave these awful consequences? But when liberty itself is in danger, when the constitution which protects it is assailed, when the sovereignty of this Union is about to be stricken down, if in its defence these scenes may be dared, gentlemen can scarcely find language to express their abhorrence. Sir, I always regret such language, here or elsewhere. If, however, the scenes of a bloody revolution are held up to our view, sickening—sickening as is the prospect, must we not contemplate it? Sir, I will not dwell upon these considerations. I will not trace further the parallels which the honorable gentleman [Mr. Wilde] run out into the future, quite as probable, I agree, as any similitude which the past affords, but not more so. I pass to other topics. I come to an examination of some other reasons which have been assigned for the passage of this bill. It is said in the report of the Committee of Ways and Means, that "the extinguishment of the debt, and the commencement of the new presidential term, make this a fit season for permanent fiscal regulations. It is vitally important, too, to all engaged in any of those numerous commercial, manufacturing, or agricultural enterprises, which are affected by changes in the rates of impost, and are more exposed to suffer from uncertainty than even error in legislation, now to know the intention and policy of this Government in regard to their several interests."

Now, sir, what legitimate effect, "the commencement of a new presidential term," can have upon the fiscal regulations, or any other policy of the Government, I am utterly at a loss to comprehend. In other countries, the accession of a new monarch is often, if not generally, attended with a change of ministry, and of measures, both domestic and foreign. This is quite consistent with the ideas of the "right of Kings" to govern, as formerly maintained by the flatterers and advocates of despotic power. But here we have not yet, not quite yet, considered the President any other than the servant of the people—not their arbitrary ruler. He is to administer the laws, which the people, by their representatives, establish; and whenever a change of policy is to be made, it seems to me much more consonant to our conceptions of Government, that the commencement of a new legislative term would be a more "fit season." Let the people speak through their new representatives in another Congress, if they see any occasion for a change of policy, and their voice will be obeyed. "Permanent fiscal regulations," say the committee, "vitally important" "now to know." Sir, I thought it was known in 1824, I thought it was known in 1828, and, again, in 1832, what was "the intention and policy of this Government." "Permanent!" Can we give permanence to our legislation? Our predecessors thought in their day it was time "now" to settle the great policy of the Government permanently; and they did settle it. We are about to unsettle it, upon the ground of giving permanence and stability to the laws. Will those who come after us be likely to treat our "permanent" arrangements with any greater respect than we show to those of our predecessors? It is a singular idea to me, sir, giving permanence to laws by incessant vacillations and changes. I am for permanence, and, therefore, I resist this bill. It is important, I admit, "vitally important," to all classes of citizens, "to know" the intentions of Government; and I resist this bill because I wish them "to know" that protection will be preserved. The argument on the other side is, pass this bill in order that the people may know what the permanent policy is to be. I answer, reject this bill, that they may know what the policy is to be. I think, sir, they will know it, quite as certainly in the one contingency as in the other.

But, sir, "the payment of the public debt," say the committee; that glorious epoch! Well, what then? I admit that, in consequence of the extinction of the public debt, less revenue will be wanted for the maintenance of the Government; and, therefore, we provided at the last session for a diminution of it. If experience shall demonstrate that the reduction was not sufficient, a greater can be made hereafter. But what possible connexion has the payment of the public debt with the abandonment of the protective policy? The idea that it is to be abandoned for this reason, proceeds altogether on the assumption that the protecting duties were laid with a view to increase the revenue for the purpose of paying off the public debt. Does not every body know that this assumption is utterly false? Does not every man here know that the duties were laid for the express purpose of giving protection, and not for revenue? Were not the laws passed in defiance of the argument, and I may say, in anticipation of the fact that the revenue would thereby be diminished, and the public debt retarded? Has not South Carolina attempted to try the constitutionality of the laws in the judicial forum, expressly on the ground that they were not revenue measures? Does she not "nullify" them now for this reason solely? These laws were designed then, not to give revenue, not to pay the public debt, but to give protection. Will gentlemen then explain why they should be withdrawn and abandoned, because an object, for which they were not intended, has been accomplished? Is there any connexion between the policy and principle of protection, and the existence of a public debt? Does the justice and expediency of the former depend at all upon the latter? Why, sir, so far as protecting duties are taxes and burdens, as gentlemen contend they are, it would seem that the country could much better sustain them, when relieved from the pressure of a public debt, than when oppressed by it. Yet the argument is, that when the country was pressed down by the weight of its public debt, it was wise enough to impose burdens and taxes without reference to the purpose of discharging that debt; but now that it is relieved from that weight, the same burdens and taxes cannot be endured. Why, sir, if protecting duties were burdens, which I deny, I think they can be made easier borne now, than when the additional weight was upon the country. If the policy was wise then, it is wiser now, independent of the consideration that the capital, the business, the labor, the expectations of the country, have all conformed to it.

Sir, I regret to perceive, in the report of the Secretary of the Treasury, sentiments so different from those upon which the protecting policy alone can be sustained. Allow me to read a few extracts from it.

"And although the exercise of the power, in either case, must necessarily depend upon the cause which may call it forth, the power of taxation, imposing large and permanent burdens for the encouragement of particular classes, cannot be exercised, and by slender majorities, consistently with a proper regard to the equal rights of all; and it is not to be concealed, that a permanent system of high protecting duties directly tends to build up favored classes, ultimately prejudicial to the safety of the State."

"To perpetuate a system of encouragement growing out of a different state of things, would be to confer advantages upon the manufacturing, which are not enjoyed by any other branch of labor in the United States, and to

convert the favor and bounty of the Government into permanent obligations of right, acquiring strength in proportion to their continuance."

"Such an appeal comes with force to all, but, in an especial manner, may be made to those who have so long reaped the advantages of those burdens from which their brethren throughout the Union, after having submitted to them while the public obligations and the national defence and independence require it, now ask to be relieved."

What, sir! has this power been exercised only for the encouragement of "particular classes," "favored classes?" Is it "the favor and bounty of Government," manifested toward particular interests? Are these "burdens" imposed for the benefit of a few? If this were the true character of the system, I would not sustain it a moment; I would abandon it instantly. I maintain it, because I believe it essential to the general prosperity and happiness, to the national strength and defence, to the great, wide-spread, public security and benefit. I maintain it, because, instead of being a "favor and bounty from" Government, it is a prop, and support, and pillar to the Government and to the Union. I lay all the claims of the manufacturers and of individuals out of the case. I support the policy as a national policy, important to the whole. It was founded in public necessity, and should be maintained for the public good; for no individual interests, no favored classes. "Ultimately prejudicial to the safety of the State!" What is "the State," sir? I know one of the Kings of France said, "I am the State," and until lately at least every monarch in Europe could have said the same. This idea of "favor and bounty of the Government" shown to "particular classes," becoming dangerous to the State, savors rather too much of a different form of Government from that under which we yet live. Is not this the Government of the people? Are not these classes the people? Is not "the State" the people? Are you about to build up a partition between the Government and the people? Are you about to organize a being called "the State," or "the Government," distinct from the people; capable of conferring "favors and bounties" upon the people, and to whose safety the prosperity of the people may be prejudicial? "Favored classes!" Who are they, sir? For whom is protection designed? For all your mechanics and artisans, scattered over the whole surface of the country, in every art and trade. For your agriculturists every where. For your laborers in the shops, in the forge, in the mines, on the land, in the factories, every where. I find, sir, that the Secretary recommends "to dispense with a great portion of the protection heretofore afforded to the growing of wool; in other words, to reduce very considerably the duty on wool, for the reason, among others, that the continuance of it increases the number of favored classes." I suppose, therefore, that the wool growers, the farmers of the country, are to be set down among those who have enjoyed "the favor and bounty" of the Government, and that they are, therefore, likely to become "ultimately prejudicial to the safety of the State." What, sir! the farmers, the great body of the yeomanry of the country, they who sent us here, to be told they are "the favored classes?" That they are something distinct from the State? That they may become prejudicial to its safety? Sir, if you would build up "the State," build up the farmers of the country, protect their interests, support them whose arm fights your battles, whose patriotism, virtue, and intelligence keeps this machinery of Government steady amid the designs of demagogues and the recklessness of ambitious adventurers. These are "the State," and for these is the policy we advocate designed. Away with this notion of "favored classes" living on the "favor and bounty" of Government—Government which itself lives but upon their breath. Sir, the people are the Government, and the people protect themselves, without the "favor or bounty" of any superior human power.

I have delayed too long, sir, the purpose which I had chiefly in view when I rose to address the committee. We are told by the honorable member from Tennessee, [Mr. POLK,] that this bill affords sufficient and reasonable protection; that the profits of manufacturers are much greater than of other classes of the community; and to maintain these positions, he referred to evidence collected in the State of Maine, as well as elsewhere. I purpose to examine this evidence, and to notice also a remark of the honorable chairman, [Mr. VERPLANCK,] that Maine had expressed its opinions upon the subject of the tariff. That is true, sir. But does the honorable gentleman find any thing in the opinions to which he has referred to support this bill? In 1829, the Legislature of that State adopted a report of a select committee, accompanied by resolutions, expressive of its sentiments in regard to the tariff enacted the preceding year. The grounds of complaint which prevailed in Maine against that law as set forth by the Legislature, and I may add, also, which constrained the representatives from that State in Congress to oppose its enactment, were, the increased duties upon "iron, hemp, ravens duck, and molasses." The duty upon the three former, it was supposed would essentially injure the shipbuilding and fisheries, extensively prosecuted in that State; and, upon the latter, accompanied also by withholding the drawback upon the exportation of distilled spirits from foreign molasses, would seriously injure the navigation, lumber, and distilleries. In 1830, the duty upon molasses was reduced, and the drawback restored; and so far the grounds of complaint have been removed.

By the act of the last session, the duty on iron and hemp had been considerably reduced, and upon ravens duck very greatly diminished. Has the gentleman any evidence that the State of Maine is not satisfied with that reduction? that she demands more?

In March, 1832, the Legislature passed a resolution to this effect:

"*Resolved*, That the reduction of the duties on imports, especially on those articles which are consumed by the laboring class of the community, would relieve the people of the United States from the burdens imposed upon them by the present unequal, unjust, and oppressive tariff system, and would tend to restore harmony to the Union."

I shall not stop to inquire how and wherefore these resolutions were passed. I take them as they are, and I admit that the then present tariff is denominated unjust, unequal, and oppressive. Well, sir, since that time we have modified it essentially. We have taken off some duties entirely, "especially upon those articles consumed by the laboring classes," tea, coffee, salt, and many others. We have listened to the complaints as to iron, hemp, duck, &c. articles essential to shipbuilding, and have also diminished those duties very considerably. Is not this enough? Can the gentleman say that we have not acceded to the wishes of Maine? The State has not said so, to my knowledge. No petitions are received here; no voice from the Legislature. So far as my information extends, the law of last year was very generally acceptable. All parties, I think, were satisfied with it. But if it be not so, and the gentleman still wishes to accommodate Maine, how does he propose to do it? By imposing duties and taxes upon "those articles especially which are consumed by the laboring classes," tea and coffee particularly, in the first place; next, by leaving almost at their present rate the duties on iron, hemp, and duck, against which almost exclusively she protested; and lastly, by striking down, at a blow, to the lowest point, the duties on wool, woollen goods, cottons, paper, and other articles, against which no voice from that State has ever yet been heard. Will this, sir, be regarded there as removing the inequality, the injustice

of the system? Does it not enlarge the grounds of complaint? Is not this bill in direct hostility with the declared sentiment of Maine? Does it meet her request in any degree? Certainly, sir, it will not be pretended.

The views I have presented will be found in accordance with those exhibited in the evidence referred to by the gentleman from Tennessee [Mr. POLK.] From page 1 of document 308, I read these extracts of a letter from Asa Clapp, Esq. of Portland, under date April 21, 1832, to the Secretary of the Treasury. Let it be remembered, that the then existing tariff is not the now existing tariff.

"That portion of the tariff which bears most heavily upon Maine comes within the resolutions, namely, on iron, hemp, and sail cloth."

"It will be seen by the abstracts, that all other branches of manufactures are small in Maine to that of shipbuilding," &c.

"Although the people of Maine have complained less than their Southern friends, they have far greater cause for complaint, being obliged to pay about twenty per cent. for duties, not only on all materials for building, but for repairing their vessels."

"Among the many duties which have been oppressive, were reckoned salt, coffee, and tea, being all used by the poorer classes. As the Government has rendered itself popular in the reduction of the two first articles, it is hoped they will in the latter also."

"Whether a heavy duty upon spirits, and little or none upon wines, would contribute to eradicate the evils of intemperance, ought to be justly considered," &c.

"Cotton factories, at the present time, are very profitable, but it is expected, from the great number building, that much competition will ensue, and profits will be lessened."

"In the manufacture of wool we have made less advance, but it is thought a considerable reduction may take place, and the business still continue profitable."

What is there, sir, in all this to sustain the present bill? Is it in leaving the duties upon iron, hemp, and sail cloth at high rates? Is it in restoring the duties upon tea and coffee, the removal of which made your administration so popular? Is it in striking down to the lowest point the duties upon cottons, when you are told that "competition" "will lessen prices?" As to woollen manufactures, the opinion is very cautiously expressed, that they will bear reduction. "It is thought," says the letter. Undoubtedly "it is thought" so by some, and by others, many others, "it is thought" quite otherwise. But my answer to that is, that we have since then made the reduction, and "it is thought," by me at least, that we should wait a little to witness the effect of it, both upon the revenue and upon manufactures.

In relation to foreign spirits, how is it, sir? By the existing laws they are subject to a duty, according to the report of the committee, upon an average of about 145 per cent. on their cost. The bill proposes to reduce it to about 60 per cent. upon an average. The opinion expressed in the letter I have read, favors the continuance of "heavy duties," upon the ground of checking intemperance; yet I can well conceive that "heavy duties" upon foreign spirits would be very satisfactory, even to the "free trade" party in Maine, and to Mr. Clapp himself, upon other considerations. The city represented by my honorable friend and colleague [Mr. ANDERSON] will hardly be satisfied with this part of the bill. At present, sir, a very profitable course of business is carried on between that place and Cuba, and perhaps some other of the West India islands. The lumber of the country finds a ready market in Havana, in exchange for molasses, and the navigation is profitably employed in transporting these commodities to and from their respective places. The distillation of the molasses into rum gives employment to capital and industry, and is extensively prosecuted. A part of this rum is reshipped to the North of Europe, takes the drawback, employs American vessels in the transportation and in the return cargo. All this is well and advantageous. Admit the British West India rum, and the distilleries must stop; the importation of molasses to supply them must stop; the exportation of lumber, to pay for the molasses, must stop; the navigation must suffer. Under your colonial arrangement "of blessed and glorious memory," British vessels will be freely admitted, bringing British rum. They will not take your lumber in return, because they can supply themselves cheaper from British colonies. They will take your money, and with that purchase the lumber of New Brunswick, or the cotton of the South, to be transported to Liverpool in their own ships. Cuba cannot buy our lumber, unless we buy her molasses. Who does not perceive, sir, how destructive to the course of trade which I have described, the reduction of duties on spirits must prove? This bill, in my judgment, is not framed with any reference to the interests of Maine, which I think will be very essentially impaired by its passage. But, sir, to the evidence which has been cited to prove that it affords sufficient protection. The gentleman from Tennessee read from the letter of James L. Child, pages 1 and 2 of the printed document, this extract:

"It is well known that Maine has not many large manufacturing establishments of any kind. In that portion of the State which I visited or examined, I found but two cotton factories, one at Winthrop, in the county of Kennebeck, and the other at Gardiner, in the same county. The agent of the former very readily answered all the inquiries put to him, within his power to answer; the result of which will be found in sheet marked No. 1, accompanying this; but the directors of the Gardiner factory declined answering any of them, although twice called upon by me, and once written to on the subject. I, however, found by inquiry that their operations are about one-third more than at Winthrop; and, owing to a favorable location, and other facilities for carrying on their business, their profits must have been, during the year ending September last, fully 25 per cent." The gentleman, in reading this, dwelt with much emphasis upon the statement that the directors of the Gardiner factory declined to answer; and he drew from this the same strong inference, as to the amount of profits, as did the writer of the letter. How the fact was, sir, I have no knowledge whatever. If, however, it were so, I have no doubt the directors had very sufficient reasons, other than an unwillingness to disclose their enormous profits, which seems to be the reason attributed to them. With those gentlemen I have the pleasure to be acquainted, and I can assure you, sir, that they are as far above any unworthy motive as any member who is, or ever has been, upon this floor, could be. So far from being desirous to uphold the tariff system, a majority of them, I believe, are the friends of free trade. But how stands the fact? I find in this document, page 11, minute answers from the Gardiner factory to all the interrogatories proposed. "Declined to answer!" Where did these answers come from? Be that as it may, here they are, and what do they show? In the first place, they show the accuracy of the information which the agent of the agent of the treasury procured by his "inquiry." Fully 25 per cent., says he. He found the operations about one-third more than at Winthrop. Now here are both returns, and let us see how they compare.

	Gardiner.	Winthrop.
Number of looms, - -	46	59
Spindles, - -	1,660	2,000
Cards, - -	27	37
Persons employed, - -	87	95
Cotton used (value of) -	$137,500	184,000
Manufactures, do - -	189,400	217,200

How does this comport with the statement? Although the operations at Winthrop are so much greater, yet the expenses of labor are less than at Gardiner. The eighty-seven persons employed in the latter are paid two hundred and ten dollars and seventy-five cents per week; while the ninety-five at the former are paid but one one hundred and ninety-eight dollars and seventy-five cents. That the factory at Winthrop may have been profitable to the present proprietors, is not improbable. They are few in number, and it is under very skilful and judicious management. It fell into their hands, reluctantly, I believe, at far less than the original cost, and may have divided considerable profits upon that sum, but not, I am quite confident, more than a moderate and reasonable rate upon the original cost. Of that at Gardiner, I can speak with more assurance; and I confess, sir, I was never more astonished in the course of my life, than to hear the flourishing condition of that establishment cited, upon this floor, to prove that cotton manufactures required no further protection.

That factory has been in operation about twenty-four years, and has been so very profitable as, in all that time, to have made one small dividend only. Shares which originally, and by subsequent assessments, have cost four or five hundred dollars, can be now bought for one hundred. I think, sir, I speak within bounds. I perceive, by a paper which I received to-day, that a meeting of the stockholders has been notified, with a view to make another assessment, for the purpose of paying the debts of the corporation. This does not look much like a highly prosperous condition. I heartily rejoice to learn that its profits, last year, have been considerable; for no institution, within my knowledge, of no greater extent, has been hitherto so losing a concern. The gentleman from Pennsylvania [Mr. GILMORE] read another extract from this letter of Mr. Childs, in these words: "The impression among intelligent gentlemen with whom I have conversed, is, that the duties on woollens and cottons might be advantageously reduced, and the factories still be able to carry on their business at a rate of profit considerably above what is realized in other branches."

Now, sir, will any member of this House predicate his course of action upon this great, important, vital question of protection, on evidence like this? "Impressions!" "Intelligent gentlemen!" Who are they? Let us judge of their intelligence, their means of knowledge, their interests, and the strength of their "impressions." Of all this we are ignorant, and I confess, sir, the singular misfortune of the gentleman, in collecting his facts "upon inquiry," and giving his opinions in reference to the comparative condition of the two cotton factories I have named, has very much shaken my faith in evidence of "impressions." Sir, the "impressions" of "intelligent gentlemen" of this House, and the Senate also, at the last session, was, that the reduction then made, was as great as a proper regard to the interest of the manufacturing establishments would allow; and with these "impressions" for the present, at least, I am content. As to the profits being so much greater in these branches than in other pursuits, my observation has been quite otherwise. If it were so, why is it that manufactures are not more extensively prosecuted? Capital always seeks the most profitable investments. Yet you find that the navigating interest which, it is represented, has been so much depressed in Maine, has been remarkably successful.

Mr. Clapp says, page 64, "Vessels have been in great demand during the year 1831, which has occasioned a great increase. Upwards of forty thousand tons have been built." On page 65, he says, again: "Twice the number of vessels built this year than an average." Sir, this speaks any thing but a depression of the navigating interest. The truth is, I think, that it is at this day, and has been, the most profitable business to those engaged in it, of any in the country; and it comes, I must say, with an ill grace from those who have enjoyed, are enjoying, and ought to enjoy, the benefits of protecting and discriminating duties, to complain of protection afforded to other interests. The protective policy has been the best friend to the navigation of this country which it has ever had. What has built up and sustains your immense coasting trade but this same policy? Your free trade systems, and your colonial arrangements, if carried into execution, will convince that interest where its true policy lies.

Sir, other gentleman have so fully and so ably exposed the inequalities of this bill, that I shall forbear to follow the same track; I wish, however, to show you how it is regarded elsewhere, and by those opposed to the protective system. I read from the Virginia Times, an able opponent of the policy, an extract of a letter, under date "Washington, January 13, 1833;" by whom written I do not know, but evidently by one who knows something of the proceedings of this House. It is thus:

"It is understood that there will be but three votes from Pennsylvania for the bill, although it is framed with a view to promote the particular interests of that State. A decided effort will be made to amend it, first, by taking off the duty on tea and coffee; next, to increase the duty on wool, woollens, and cottons; and if these fail, then the New England members will unite in an effort to reduce the duty on iron. If any of these propositions are carried, it is believed that the bill will be lost, and they will all be urged with a view to defeat it.

"You ask what will be the effect of the bill if it passes? So far as it relates to South Carolina, it seems to me that it will nullify her ordinance, at the same time that it will cut up the tariff by the roots. For although it fall short of a satisfactory adjustment, yet the effect will be that, next year, the New England members will unite with the South in repealing the duty on iron. This will enable Mr. Van Buren to come forward as the special advocate of the particular interests of Pennsylvania and Ohio, and oppose this; and upon Mr. Ritchie and the junto rest his hopes of binding the four great States to his car.

"Thus you will see that Mr. Van Buren is resolved to make every movement work for his benefit."

Now, sir, I do not say that it is so, but if this bill has been framed with a view to promote the particular interests of one State only, it is of necessity, unequal, unjust, abominable. No law should be framed with any such view. The interest of the whole, and not of a part, is to be regarded; but it so happens, whether designed or not, that the bill does especially regard the interests of Pennsylvania. There are some other facts here which I commend to the attention of the House. "It will cut up the tariff by the roots." Let the gentleman from Tennessee [Mr. POLK] think of this, who has endeavored to demonstrate that it affords sufficient protection. "It falls short of a satisfactory adjustment." Let the gentlemen think of this who talk about a "permanent" adjustment "now," and have so much at heart a "satisfactory" conciliation. "The duty on iron" will be hereafter repealed. I commend this to the consideration of Pennsylvania; to those members, if there be such, who hope to save the interests of Pennsylvania at the expense of New England.

Mr. Van Buren is "to come forward as the special advocate of the particular interests of Pennsylvania and Ohio." I commend this to the candid consideration of those who think that this bill is in way connected with the party politics of the times, and has no reference to ulterior movements. Let gentlemen consider it. The honorable member from New York [Mr. CAMBRELENG] has also told us, that this bill would not settle the great question; that the policy of the Government had been all wrong for seventeen years, and could not be corrected in a day, that it would require the next year, and the fol-

lowing, and the third, to bring back the true policy of the Government. What a commentary is this upon "permanent legislation"--upon "satisfactory adjustments!"

I said, sir, I would not go into the details of the bill; but there is one item in which I feel some interest, and I cannot forbear to advert to it. The existing duty on paper is specific, and is equivalent to an ad valorem duty of 108 per cent., according to the estimate of the committee. It is now proposed to reduce it to 30 per cent. ad valorem, to take effect within 30 days from this time. Is this, in the opinion of the committee, a gradual reduction? I should be gratified if the honorable committee will deign to speak, to hear some reason for this reduction? Is the manufacture not worth protection? We know it has attained a high degree of perfection, and that the country is almost exclusively supplied by the domestic article. Is 30 per cent. a sufficient protection? I am assured, sir, by those who know, that if this bill take effect, every paper manufactory in the Union must be prostrated. The very cheap paper of Italy will drive our own from the market. Is this duty oppressive to the South peculiarly? I believe their population do not consume very largely of the article, in proportion to other sections of the country. The tax, if it be one, falls upon the wealthier portions of the community--upon the commercial, the professional, the literary classes; and I can conceive of no reason for the diminution of the duty, but a general hostility to the use of every fabric made at home, which by possibility can be procured abroad. The same observation applies also to "ready-made clothing." Why is it that the honorable committee, and other gentlemen on this floor, manifest such antipathy to the employment of our own labor? Do they desire to reduce the wages of our own people to a level with that of other countries? Do they desire that all our clothing shall be made in the shops of London and Paris, and our industrious citizens thrown out of business? Sir, I shall say no more upon the details of the bill, and have but a word upon other and more general considerations.

Mr. Chairman: We live in very extraordinary times. How astonishing will it be to posterity, and how astonishing it ought to be to us, that now, "in the high and palmy state" of the republic; prosperous at home in an unparalleled degree—at peace with all the world; enjoying high distinction among the nations of the earth; with an overflowing treasury; we are seriously talking about the cruel "oppressions" of government; the "unjust exactions;" the "tyrannical" despotism! To some gentlemen, all government seems an arbitrary usurpation of popular rights. If we may form any opinion, sir, of the character of human institutions by the effects they produce, and the ends they accomplish, what encomiums does not the constitution of our country deserve for the unutterable blessings it has already bestowed, and the rich promises it holds out for the future. Yet, just at such a moment, it is discovered that this admirable system of government is all wrong, arbitrary, oppressive—so defective as to require almost total remodelling. We have now on the table thirteen distinct amendments proposed by the State of Georgia, and how many from other quarters I cannot say.

Sir, if we are wise, we shall adhere to the path marked out by the wisdom of our ancestors, which has led this nation to happiness, prosperity, and greatness, their most sanguine anticipations scarcely dared to hope. We shall not venture rashly upon untried experiments. Why should we despair of the Government? We are told that the States are "sovereign," and that they have certain "reserved rights," upon which they now rely to control the power exercised by the General Government. So far as South Carolina sets up these pretensions, I beg leave to read a South Carolina answer, more conclusive and satisfactory than any thing I could urge now or at any other time. I read from a pamphlet entitled "A defence of a liberal construction of the powers of Congress," and written by "One of the people," some years ago, in South Carolina, in answer to certain writers in behalf of this "reserved right," It says,

"You assert that when any conflict shall occur between the General and State Governments, as to the extent of their respective powers, 'each party has a right to judge for itself!' I confess I am at a loss to know how such a proposition ought to be treated. No climax of political heresies can be imagined, in which this might not fairly claim a most prominent place. It resolves the Government at once into the elements of physical force, and introduces us directly into a scene of anarchy and blood. There is not a single power delegated to the General Government, which it would not be in the power of every State Government to destroy, under the authority of this licentious principle. It would be only necessary for a State Legislature to pass a law forbidding that which the Federal Legislature enjoins, or enjoining what the Federal Legislature forbids, and the work is accomplished.

"Perhaps you will require the State Judiciary to pronounce the State law constitutional. I will illustrate your principle by a few examples.

"Suppose Congress should pass a law to 'lay and collect taxes, duties, imposts and excises,' and that a State Legislature should pass another, declaring the objects for which the revenue was intended, unconstitutional, and therefore prohibiting the officers of the General Government, by severe penalties, from collecting the 'taxes, duties, imposts, and excises.' Suppose Congress should pass a law to 'raise an army' for a national war, and a State Legislature pass another, declaring the war 'wicked, unrighteous, and unconstitutional,' and therefore prohibiting the officers of the General Government, under heavy penalties, from recruiting soldiers within the limits of the State. Suppose Congress should pass a law 'for the punishment of counterfeiting the securities and current coin of the United States;' and a State Government should pronounce it unconstitutional, and provide a heavy penalty against all officers, judicial or ministerial, who should attempt to enforce it. I need not multiply cases; for if you will duly consider these, you will find enough to satiate your keenest relish for anarchy and disorder. In all the above cases you would say, 'each party has a right to judge for itself,' and of course to enforce its judgment. You might then behold a revenue officer of the United States confined in a State dungeon for obeying the revenue laws of Congress. You might see a gallant officer of the army, covered with the glorious scars of many a hard-fought battle, bearing the scourge of a State constable at a whipping post, for attempting, under a law of Congress, to recruit soldiers to fight the battles of his country. You might even see a Federal Judge arraigned before a State tribunal for pronouncing sentence against a counterfeiter of the current coin of the United States! And all this would unavoidably result in giving the State rulers the right to resist the General Government, or in a civil war to establish its legitimate authority; consequences, either of which is incompatible with the very notion of Government. To suppose that the General Government have a constitutional right to exercise certain powers, which must operate upon the people of the States, and yet that the Government of each State has a right to fix and determine its own relative powers, and, by necessary consequence, to limit the powers of the General Government, is to suppose the existence of two contradictory and inconsistent rights. In all Governments there must be some one supreme power; in other words, every question that can arise as to the constitutional extent of the powers of different classes of functionaries, must be susceptible of a legal and peaceable determination by some tribunal of

acknowledged authority, or force must be the inevitable consequence; and where force begins government ends. And it is the more astonishing that you have assumed positions involving such tremendous consequences, when we consider that they are in direct opposition to the 'strict letter' of the constitution, your favorite test of the extent of delegated powers. It is therein provided, 'that the constitution and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.' And again, 'the judicial power [of the United States] shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.' Nothing can be more plain than that the 'strict letter' of the constitution does make the laws of Congress supreme, enjoining obedience upon the State functionaries, and making void the laws of a State, if contrary thereto. And to give this provision a sanction of a nature peculiarly impressive, 'the members of the several State Legislatures, all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support the constitution of the United States.' It is not less evident that it belongs to the national judiciary to pronounce upon the constitutionality or unconstitutionality of the laws of the National Legislature. Its jurisdiction extends to 'all cases' arising under them; and it is hard to conceive how, in any possible case, a Federal Judge can decide a case, arising under a law, without pronouncing upon the constitutionality of that law. In fact, it would be vain and idle to make the laws of Congress supreme, if the national judiciary had not the power of enforcing them. For you can hardly be ignorant that a law is a dead letter without an organ to expound, and an instrument to enforce it. I should suppose, therefore, that no professional man could hesitate in saying, that a forcible opposition to the judgment of the Federal Court, founded upon an act of Congress, by whatever State authority that opposition might be authorized, would be the very case which the convention had in view when they made provision for 'calling forth the militia to execute the laws of the Union.' But I sincerely hope that your licentious doctrines will never have the effect of misleading the State authorities so far as to render this terrible resort unavoidable. I trust the Farewell Address of Washington, admonishing his fellow citizens to 'frown indignantly' upon those who preach up doctrines tending to disunion, is not yet forgotten."

Sir, I ardently concur in the hope herein expressed, that such "licentious doctrines" will never mislead any of "the State authorities," so far as to render it necessary "to call forth the militia to execute the laws of the Union," especially I hope that South Carolina, in the present juncture, will not be guilty of that "climax of political heresy," "which resolves the Government at once into the elements of physical force, and introduces us directly into a scene of anarchy and blood;" nor do I believe that she will. The latest intelligence from that quarter indicates, I think, a more favorable disposition on the part of South Carolina to abstain from revolutionary measures, for the present at least. The ordinance, it seems, has been practically postponed until the adjournment of Congress. We have hitherto been led to suppose that the ordinance was the fundamental law of the State, beyond the control even of the legislative power, and that it must of necessity be enforced. It seems, however, that the "ides of March" have been adjourned—"the eclipse is postponed." Now, if there be authority any where to postpone this "fundamental law of the land" for one month, or one day, there is authority to postpone it one year, or indefinitely; and I trust, sir, that South Carolina will yet ponder upon her condition; that she will weigh well the consequences of the step she is about to take. This day has been set apart by the authority of that State, as a day of humiliation and prayer; and even now, while I speak, South Carolina is prostrate before the Ruler of nations and men, seeking light and wisdom from the fountain of all light, to guide her footsteps. For one day, at least, we may hope she feels the loneliness of her condition: she acknowledges that the strength of human power is but weakness. For one day, at least, the pride of her strength is humbled; the vaunting of her chivalry, the waving of her pennons, is hushed. May we not hope she will rise from her suppliant attitude with subdued and chastened feelings, and return again to the sphere of her constitutional duties, and to the embraces of the Union? But, sir, if it be not so; if she madly throw away the glorious inheritance for which our fathers freely gave their blood and treasure; if the constitution and liberty of this country must be subverted in our day, we shall yet not have lived in vain; we shall have solved the great problem; we shall have taught the sad, the melancholy, and it may be, the useful, lesson to all posterity, and to the friends of rational liberty every where, that mankind are not capable of self-government, and that republican institutions are not susceptible of sufficient strength for their own preservation.

Mr. JARVIS, of Maine, said he should vote in favor of the amendment of the chairman of the Committee of Ways and Means, reducing the rates of duties upon teas, because in his opinion they were too high in the bill as originally reported; and he should vote against the amendment of the gentleman from Connecticut, [Mr. HUNTINGTON,] which proposed to strike out the duty upon teas and coffee, because he considered it as the test question whether the revenue should be raised indiscriminately upon protected and unprotected articles, or whether an attempt should be made to raise it upon protected articles alone. I shall vote against it, said Mr. J., in this view, because I have no inclination to endeavor to achieve impossibilities. Sir, you cannot raise a revenue from protected articles, for the very idea of protection is to give the domestic manufacturer the possession of the home market. Nothing short of this is protection, and the manufacturers themselves openly avow it. A gentleman from Massachusetts, largely engaged in manufactures, [Mr. APPLETON,] has told us that we could manufacture coarse cottons as cheap as the English; nay, more, that our cotton manufactures could enter into successful competition with theirs in foreign markets, and yet he will not be satisfied with any duty less than twenty-five per cent. My colleague [Mr. EVANS] objects to the reduction of the duty on paper, which he says is one hundred and eight per cent., though he tells us in the same breath that we export more than we import! What, sir, can we export cottons and paper? Can we rival the foreign manufacturer in the foreign market, unaided by duties, and burdened with shipping charges, with freight, insurance, and commission, and can we not contend with him in our own market, where he alone is to bear the burden of these charges, unless, forsooth, we have the additional advantage of protective duties ranging from twenty-five to one hundred and eight per cent. Sir, I place implicit confidence in the facts asserted by those gentlemen, and the only conclusion to be drawn from them is, that nothing less than the monopoly of the home market is intended or will satisfy them; foreign manufactures must be excluded. Now, sir, if gentlemen can, by any ingenuity, devise a plan by which we may be enabled to raise a revenue from articles which it is their design to exclude from our market, I will cheerfully vote for it. It would indeed be the very Utopia of taxation to make goods which never came into the country pay all the expenses of our Government! But, sir, this cannot be done; if our pro-

tective system should succeed, the revenue from protected articles would be reduced to zero; and the necessity of raising a revenue requires us to tax unprotected articles as the only certain source of it.

It is not my intention to enter into an elaborate argument in favor of the bill now under consideration, notwithstanding the complaints we hear from gentlemen on the other side, that the friends of the bill say nothing to support it. Sir, the bill speaks for itself. It is a bill, the object of which is to relieve the people from an oppressive and unnecessary load of taxes; to lay the troubled spirit of the South, and to restore that harmony to the confederacy which every well wisher to the republic must ardently desire. It may not be perfect in its details; what bill have we ever framed that is so? But I will undertake to say, that it will compare advantageously with any revenue act on the statute book, in the simplicity of its details, and in the equality of its operation. It may not suit any gentleman in every particular, and I am willing to allow that I think it might be improved in several particulars. But what then? If we are not to pass a bill until it satisfies every member of this body, our laws will be but few. Though not entirely satisfied with the bill, I will vote for it cheerfully in its present form; I will vote for it with more alacrity if any valuable amendment should be grafted on it; but I will not, at so late a period, delay its progress by offering any. Permit me rather to meet some objections to the bill, and to our legislation on the subject.

Sir, it is denied that sufficient revenue will be raised by this bill, and it is objected that the sum of one hundred millions, assumed by the Committee of Ways and Means as the amount of our imports, is excessive. Now, the composition of this committee is such as to render it more than probable, that in reporting this bill they did not act without due caution, and we have a right to presume that every facility, and all the information of the Treasury Department, were at their command. I will, therefore, at a venture, adopt the conclusions of the committee respecting the amount of revenue to be produced by the bill, conclusions upon which their reputation for sagacity as financiers is at stake, rather than adopt the assertions of those upon whom no responsibility rests, and for the correctness of which we have no guarantee. With regard to the correctness of the amount of imports assumed for the basis of this bill every gentleman must judge for himself. For my own part, I am inclined to think that it is not too large. In political economy two and two do not always make four. The reduction of duty is not necessarily attended with a corresponding reduction of revenue, for the reduction of revenue will probably be checked in some degree by increased importations. The operation of high duties in decreasing importations, and also in diminishing revenue, has been very fully exemplified in the history of our own legislation upon wines, an article not produced in our country. In 1803 the duties upon various qualities of wines and the number of gallons consumed, were as follows:

Madeira paid a duty of 50 to 58 cents, and the consumption was,		236,544 gallons.
Sherry and St. Lucar,	40	639,960
Port and Lisbon,	30	275,234
Fayal,	28	624,856

In 1828, when our population had more than doubled, when our wealth had increased in still greater proportion, and when the inroads of luxury had been in a proportion as great as the two former combined, what was the state of consumption of these wines? Had it kept pace with our growth in population, in wealth, or luxury? No sir, for the purposes of revenue we had increased the duties, and the consequence was as follows. In this year,

Madeira paid a duty of 100 cents, and the consumption was,		116,584 gallons.
Sherry and St. Lucar,	60	14,854
Port and Lisbon,	50	198,279
Fayal,	40	188,212

In 1803, under the operation of the low duties, the amount of revenue upon these wines was $645,566; in 1828, under the high duties, the amount of revenue was only $300,269.

But, sir, an examination of the importation of wines, not only shows the effects of heavy duties in checking consumption, but also the effect of light duties in increasing it. In 1803, the duty on inferior qualities of wine was twenty-three cents the gallon, and the consumption was only 80,285 gallons; in 1828, the duty on these wines had been reduced to fifteen cents, and the consumption had increased to 2,345,485 gallons; in 1831, the duty on some of these inferior wines had been again reduced to ten cents, and the consumption had increased to 2,856,472 gallons, being an increase of twenty-two per cent. in three years.

Another objection made to the bill is, that it diminishes the protection to home manufactures, to which we are told that we are pledged. Sir, I deny the pledge. The paramount duty of the Legislature is to protect the whole against any predominant portion; it has no right to enrich a portion at the expense of the whole, and we are in fact under no other obligation than an agent, who had assigned, without authority, the property of his principal. But let us examine a little further this matter of pledges. We are told that Massachusetts has been forced by our legislation, to become a manufacturing State. Sir, it is not so. The facts are, that during the wars which desolated the old world for nearly a quarter of a century, the vessels of the United States were the carriers for the whole of continental Europe. Upon the return of peace, each nation resumed its share of commerce, and we were under the necessity of seeking other sources of employment for the capital which had been created by the carrying trade, and which was now crowded out of it. Hence, our cities, from wood and brick, were turned into granite and marble; hence, the various stupendous works of internal improvement, by individual enterprize, every where visible; hence, too, the inception of manufactures of all kinds. When these have been undertaken without competent skill and information, and have been prosecuted without due regard to economy, they have proved unsuccessful. To shield themselves from the ruinous effects of their own miscalculation and improvidence, the manufacturers assailed Congress with supplications to increase the tax on foreign manufactures, thereby giving a forced and artificial value to their commodities, and every new and reluctant grant of a fresh drain upon the pockets of the people, thus extorted by their clamorous importunity, they call an additional pledge! Sir, it is the pledge you give the mendicants of alms to-morrow by the charity you extend to him to-day.

If we look into our legislation before all other considerations were absorbed in president making, we shall find that the only pledge given to manufacturers was in the year 1789, at the very beginning of our Government, by the first act imposing duties. The preamble is in the following words: "Whereas, it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported: Be it enacted, &c." For these combined objects, when our empty treasury was to be filled, and the redemption of a debt which, even in our present prosperity, would be considered heavy, was to be provided for, the greatest ad valorem duty imposed was one of fifteen per cent.; while on ready made clothing, hats, castings of iron, paper, paper-hangings, gloves, saddles, and cabinet wares, all of which were then growing manufactures in this country, the duty was only seven

and a half per cent. Yes, sir, incredible as it may seem, ready made clothing, which in the plethora of our treasury at the present day, we are required to protect with fifty per cent. ad valorem, and paper, which we are told must be protected with upwards of one hundred per cent. duty, in the early days of our republic, when more revenue was required than it was deemed expedient to raise by imposts alone, were charged with a duty of only seven and a half per cent. This act was revised in 1790; and from the preamble of the act then passed, we may fairly infer that it was not the intention of Congress to do any thing more for the encouragement of manufactures; for it is therein expressly declared, that the support of Government, and the discharge of the debts of the United States, rendered it necessary to increase the duties laid by the former act. Mark this, Mr. Chairman, the duties are increased, not for the encouragement of manufactures, but solely and exclusively for the purpose of supporting our Government and paying our debts. If more be wanting to put beyond doubt the intention of the legislature, we shall find that the duties on that class of articles, now called protected articles, were either left untouched, or else increased in a trifling degree, and that the augmentation of revenue was sought to be derived from increase of duties upon articles which we could never expect to produce. For instance, ready made clothing, hats, boots and shoes, castings of iron, soap, candles, cheese, nails, are among the articles remaining at the old rate of duty; while the duties on teas were raised sixty and eighty per cent., on coffee sixty per cent., and on wines ninety-four and one hundred per cent. In the year 1792, more revenue being wanted, a general increase of duties took place; but still there is no distinctive character of protection to be seen; the increase is equally upon protected and unprotected articles. The same may be said of the act of 1794, and of all other acts imposing duties prior to the war. I will not occupy the time of the committee by a particular investigation of them, but I must call their attention to the act of 1804, by which all ad valorem duties were indiscriminately increased two and a half per cent., and specific duties were left untouched; thereby furnishing ample proof that protection, apart from revenue, was far from the thoughts of the legislators of that day.

Upon the declaration of war, all duties on imports were doubled, and though, from this entire absence of the principle of discrimination, it was impossible for any man in his senses, to suppose that these duties could be intended to encourage domestic manufactures, yet Congress, in the act itself, gave direct warning to those who might be tempted to engage in manufactures, by limiting its duration to the term of one year after the conclusion of peace. Upon the return of peace, what was our course of legislation? Did we offer encouragement to manufacturers; did we levy protecting duties? No, sir! Notwithstanding the great debt which had been accumulated, and the consequent necessity of funds to pay the interest and reduce the principal; notwithstanding the entreaties of the manufacturers, and their declarations, that reduction of duties would be their ruin, Congress persisted in the determination of reducing the duties on articles which entered into competition with our domestic manufactures: and not only so, but the rate of reduction was greater upon many of the protected than upon many of the unprotected articles. For instance, the duties on hammered bar iron experienced a reduction of fifty per cent.; on woollens the reduction was thirty-three and a third per cent.; on cottons, excepting on those falling under the operation of the minimum, the reduction was also thirty-three and a third per cent.: but on Champaigne wine there was even an increase of duty; on Madeira the duty remained nearly the same; on Sherry and St. Lucar the reduction was only twenty-five per cent.; and on Port and Lisbon only sixteen and two-thirds per cent. On Pimento the reduction was only twenty-five per cent.; on Cassia twenty-five per cent.; and on Souchong and Hyson skin teas only thirty per cent. It seems to me, therefore, to be evident that the great object of the tariff of 1816 was revenue, not protection; and that all that Congress then vouchsafed to the manufacturers was, to break their fall by a gradual reduction of duties. The eleemosynary protection, which, since that period, has been extorted from us by the clamorous importunity of the manufacturers, ought not, and cannot be distorted into a pledge to continue taxes which are not required by the exigencies of the Government, whose operation is unequal, and whose very name has become hateful to many of these confederated States.

Sir, the gentlemen from Massachusetts have undertaken, several times in the course of this debate, to speak in the name of New England. It is in no spirit of unkindness towards them that I object to this on the part of Maine. Sir, in this controversy we cannot permit Massachusetts to speak for us, for she speaks not our sentiments. Maine ever has been, and ever will be, opposed to the system of monopolies, to the system which has brought the Union into jeopardy. She always has been, and always will be, ready to join heart and hand with her brethren of the South, in the endeavor to bring back and to keep the Federal Government within its undisputed constitutional sphere of action, to reduce our revenue to a level with our expenditure, and to reduce our expenditure as low as may be consistent with a judicious and enlightened economy. Nor is Maine alone among the New England States, imbued with these sentiments: I am confident I shall not be gainsaid when I assert that they are reciprocated by New Hampshire. Two of the six New England States, containing more than one-third of the population, are as fixed as their primitive mountains against the protective system.

Sir, the gentleman from Massachusetts, [Mr. CHOATE,] not now in his seat, who, I believe, was the third from that State who mingled in this debate, and who is one of the few to whom I always listen with pleasure, however I may dissent from his doctrine, allows that the revenue ought to be reduced, but thinks that this is not the proper time. Sir, this is the invariable language whenever the attempt is made to reform abuses. Let it pass unheeded! The proper day to do good, the proper time to abate a nuisance, is the first day, the earliest moment on which it can be done.

But, moreover, we ought not to legislate now upon this subject, because there is not sufficient time for it, and because if we do legislate, we shall have been brought to it by the menaces of South Carolina; and because we ought to delay the consideration until the long session of the next Congress, when we may legislate calmly, dispassionately, and without fear.

Permit me a word or two in answer to each of these objections to present legislation. Sir, when the gentleman says that we lack time, he prophesies upon velvet, for the fulfilment rests with his friends. Far be it from me to suppose that they would trifle with our numbered hours. But if they should endeavor to throw every obstacle in the way of the friends of this bill, by refusing, so far as their votes may prevail, to pass more than three hours of the day in transacting the business for which they were sent here, making each day a holiday when there is so much to be done, and, if controlled, then using the various petty vexatious modes of delay, by raising questions of order where none exist; by moving unnecessary calls of the House; by asking for unnecessary yeas and nays; by talking against time, and making ride and tie speeches with the clerk of this House, the member speaking until out of breath, and the clerk then reading some document until the member is ready to mount again—if such a course should be pursued, it needs no one from the dead

to tell us that, were we to sit till dog-days, we should be no nearer the completion of our labors.

Sir, in 1828 and in 1832, we consumed four or five months, nearly the amount of two short sessions, in the production of the tariff bills of those years. Perhaps the fanciful comparison of them to Hercules, which was made on this flour, was in consequence of this protracted creation. It would have been "more german to the matter" to term the one a harpy and the other a vampyre. There is nothing in either to render it a favorite. Were they enacted "calmly, dispassionately, and without fear?" Were there not other causes, distinct from revenue or protection, operating upon and controlling their provisions? The bill of 1832 gave satisfaction to no one; but was taken as Hobson's choice. My vote was recorded against it because I would not be instrumental in passing a bill, the operation of which was to relieve the rich rather than the poor. But, bad as it was then allowed to be, we are not to improve it, lest our action should be attributed to fear! Sir, after the very appropriate, just, and eloquent observations of the Chairman of the Committee of Ways and Means upon this head, it is my intention to say but this: that if we should now legislate under the influence of fear, the fault is our own, and we must endure the penalty. We were solemnly warned last year of the dangerous consequences of our legislation; we were told, more in sorrow than in anger, that the South would not submit to it, that a dissolution of the Union was inevitable if we persisted! But the boding voice, like the warnings of the Trojan prophetess, was unheeded. Sir, I fervently pray that our Ilium may not rue the fatal consequences of this delusion!

But how will delay enable us to act more calmly, dispassionately, and fearlessly? Do gentlemen imagine that the way to soothe the angry feelings of the South, is to ask them to call again to-morrow? Do they think that the complainants will urge their grievances next year, with less zeal, or in a milder tone? If they do, they labor under a fearful and fatal delusion. Sir, the murmurings created by your injustice and oppression, aggravated by your neglect, will swell through every valley, and be reverberated from mountain to mountain, of the Southern States, until they burst upon your deliberations with the crash of a thunderbolt!

The gentleman from Massachusetts, whose own interests render him the peculiar champion of the manufacturers, [Mr. Appleton,] alluding to the reduction of duties, tells us to beware how we make the Union not worth preserving. Is it come to this; that our Union is, to any gentleman, a mere matter of dollars and cents! and that it is not worth preserving, unless one portion of the community be allowed to fleece the remainder!! Sir, I had thought that our Union was to be cherished as the palladium of republican institutions, as the guardian of equal rights, as the pattern Government, the bright exemplar to all others, bringing peace, security, competence, and happiness, to every roof in our country; and whose beneficial influences were as gentle and refreshing as the dew of heaven, which falls unfelt and unseen, but which fertilizes and vivifies. And this Government, beloved and revered at home, respected and admired abroad, is to be spurned if we will not grant a monopoly to manufacturers! Sir, I will not do the citizens of my native State the injustice to believe that they hold thus lightly the blessings of our constitution. But if it were so, I would endeavor, even at this hazard, to restore the Government to a healthy state of action, and prevent our hardy yeomanry from being frittered into manufacturing operatives, that hybrid production, betwixt a man and a spinning-jenny.

Sir, the work of justice which we have in hand is met by pathetic appeals to our compassion. We are asked whether we will ruin the manufacturers? Sir, I do not believe they will be ruined. By their own showing they cannot be ruined; for they insist that high duties have reduced the prices, and that low duties will enhance them. I am no convert to this part of their doctrine, but I will trust to them when they announce to us the fact that they can manufacture as cheaply as in Europe; and I must therefore believe that a duty of twenty per cent., with the additional advantage of the charges of importation, will give them a favorable and commanding position in the home market. But grant that it were otherwise; grant that ruin to the few individuals who have vested their capital in manufactures were the inevitable consequence of the passage of this bill, still we should not hesitate, when we consider the probable consequences, in another quarter, of our refusing to pass it.

Sir, the gentleman from Ohio [Mr. Vinton] has such affection for the constitution, that he would have all our throats cut, one-half the population of the United States destroyed, and our broad rivers roll waves of blood to the ocean, sooner than this instrument should be impaired. I cannot go to such lengths. Gold may be bought too dear. Besides, I like not this depleting system. I doubt the efficacy of this Sangrado specific But I will go far to maintain our Union, upon which the constitution depends, and which, I believe, is equally at an end, whether a State be permitted to leave it voluntarily, or be forcibly compelled to remain a member of it. I therefore trust that the gentleman from Ohio, though I cannot keep pace with him, will not only bear with me, but approve me when I say, better, far better, that every one of these bloated manufacturing establishments should be ruined, from roof tree to foundation stone, than that the fair fabric of our Union, purchased by the valor of heroes and the wisdom of sages, should be suffered to crumble, and its ruins, scattered along the waste of time, to remain mournful monuments, to after after ages, of the delusive day-dreams of the generation that has just passed away, in supposing that man was capable of self-government, and of the madness of the present generation, in thus sacrilegiously destroying the glorious inheritance derived from their forefathers.

Mr. J. having concluded, about 5 o'clock,

Mr. HOWARD offered an amendment, to make the duty on coffee commence on the 3d September, 1833, which was agreed to.

The question then occurring on Mr. Huntington's amendment, which went to strike out the 31st and 32d sections of the bill containing the duties on coffee and tea.

The question was taken, and decided in the affirmative: Yeas 69, nays 64.

So the amendment was agreed to, and the duties on coffee and tea striken out of the bill.

Mr. WHITE then moved an amendment, the general effect of which was to make the reduction of the duties on wool, on blankets, on carpets, flannels, &c. and on manufactures of cotton, more gradual than was proposed in the bill.

On this motion the committee rose: Yeas 77, nays 44.

And the House adjourned.

Friday, February 1.

MASSACHUSETTS RESOLUTIONS.

The motion of Mr. WILDE, of Georgia, to reconsider the vote by which the House had received and referred to a Committee of the Whole on the state of the Union, certain resolutions of the Legislature of Massachusetts, coming up as the unfinished business of yesterday morning,

Mr. ADAMS said, that when the hour allotted to the consideration of resolutions had elapsed yesterday, he had apprised the House that he had but a few more words to say; and he should now detain them but a few minutes.

He had said that he considered the motion made by the gentleman from Georgia, for a reconsideration of the vote of the House by which certain resolutions of the Legislature of Massachusetts had been received and referred, as an insult on that State. He would wish, on reflection, to modify that observation, and to say that if the House should sanction the motion of the gentleman from Georgia, he should consider such an act on the part of the House as an insult to the State of Massachusetts. For, although such a motion, under such circumstances, might properly be considered as in itself an insult, yet he did not believe that it was so intended by the gentleman who made it. Mr. A. said that he had been personally acquainted with that gentleman for several years, and it was but doing him justice to say—and Mr. A. said it the more readily because it was said in his absence—that neither in that House, nor out of it, did there breathe a more accomplished gentleman. Mr. A. believed him incapable of insulting, he would not say a State of this Union, but any human being. The intercourse which Mr. A. had had with him had not only been that of courtesy and of kindness, but that of friendship: and he was as far from saying willingly any thing to hurt the feelings of that gentleman, as he knew the gentleman himself to be averse from injuring his. The House knew the gentleman from Georgia to be in a peculiar degree sensitive to any thing which in his own apprehension went to affect his honor: and this may have induced him, in a moment of excited feeling, and under the impression that in the paper which had been received by the House his own sincerity had been impeached, to offer his motion for reconsideration, and to say what he would now wish he had not said. Were it not for the conviction in the mind of Mr. A. that this sensibility to his own good name was the impulse under which the gentleman from Georgia had made this motion, he should still consider it as an insult to Massachusetts. He should so consider it for the reasons alleged by his colleague, [Mr. EVERETT,] because, whatever force there might be in the expressions used in the report made to the Massachusetts Legislature, they were far more mild than those employed by the Legislatures of other States in speaking of that House and its acts, and particularly by that of the gentleman's own State. An order to exclude the resolutions of the Legislature of Massachusetts could be founded only as considering the State Legislatures as divided into two classes, one of which was at liberty to insult with impunity, not merely an individual, but the whole Government, while the other might not utter the least reflection on one of the committees, or one of those who composed them.

What Mr. A. had further to say in opposition to the motion for reconsideration was this: The report of the joint committee of the Massachusetts Legislature said that the bill reported by the Committee of Ways and Means of this House, though it professed to have for its end a reduction of the revenue, would not effect that object; and that those who reported it could not but have known that such would be its operation. The words which have given offence to the gentleman from Georgia are these: "If it be the object of the bill to reduce the revenue, why does it restore the duties on tea and coffee? Are the framers of the bill ignorant of the known and familiar fact, that a diminution of the duties on imported goods, by increasing the importation generally, increases the aggregate receipts? The effect of the bill, should it become a law, would probably be, as your committee have already remarked, not to diminish, but to increase the receipts into the Treasury. The framers of it cannot be ignorant of this; and the real object in proposing it must therefore of necessity be different from the professed and ostensible one."

This, Mr. A. said, was the imputation. And now, after all the arguments he had heard in that House upon this subject he did deliberately give it as his opinion, that the effect of the bill would be to increase, instead of diminishing the revenue of the country. That the committee who had reported the bill were aware that such was the fact, was to be presumed; because it was to be presumed that they understood the subject with which they had been specially charged, and upon which they had reported the bill. It could be demonstrated, by figures, that this would be its result. That opinion Mr. A. had expressed at an early period of the present debate, in Committee of the Whole upon it; and he had called upon the chairman of the Committee of Ways and Means [Mr. VERPLANCK] to show how the bill would reduce the revenue. And what had been the gentleman's answer? Mr. A. had the gentleman's speech, as reported in the Telegraph, and its whole argument, so far as it contained argument on this point, went to show that the bill would augment the revenue. What did it say? It assumed, first, that by the reduction of ten or twelve millions of dollars from the present revenue, the consumers, who now pay it, would have a sum equal to that amount, to increase the exports of the country, which would of course increase the amount of exports in a corresponding degree. It then adds that the reduction of several almost prohibitory duties will also promote an increased importation. It proceeds: "all these causes, it is confidently believed, will raise the average annual importation for several successive years hereafter to the amount, and perhaps above the amount, assumed by the committee. But it does not therefore follow that this increase will be excessive and enormous, or will swell up to an indefinite extent."

Now, it had not been said, either by the Legislature of Massachusetts or by himself, that the bill would increase the revenue "to an indefinite extent." No such thing had been contended for. But he thought it had been pretty well proved by his colleague [Mr. APPLETON] that the bill would increase it to a very considerable extent. But the chairman of the Committee of Ways and Means had gone into detailed statements upon the effect of the proposed bill upon the revenue to be raised on several of the most important articles of importation; and his conclusions upon every article that he had specified were, that the receipts in the treasury would, under the operation of this bill, either be increased, or at least not diminished, from those which would be received under the act of the last session, which he proposes to repeal. He began with the prominent article of iron, which he had divided into three classes, and he concluded by acknowledging that "the treasury would gain something by a diminished duty on one kind of iron, while it would lose by a diminution on the best and worst sorts."

After going on in his argument about iron, to what conclusion did he come? The next article was cotton: here the chairman of the Committee of Ways and Means went into a similar detail, and arrived at a similar conclusion. He again divided the cotton manufactured articles into three classes; and these are the words with which he closed his argument upon that specified article:—"The main operation of the proposed change (said he) will be the admitting certain cotton goods between the two classes I have mentioned. The revenue then from cotton goods, I believe, will stand pretty much as at present."

Pretty much as at present!

But in respect to spirits he had expressly admitted that there would be a considerable increase. The gentleman, he observed, said nothing on the subject of tea and coffee, nor on the increased duty on silks. Yet the duties imposed by the bill on these articles alone would bring not less, probably much more, than a million of dollars annually into the treasury. The report of the Committee of Ways and Means itself admits that at a scanty estimate they will yield upwards of a million. Such had been the conclusions of the chairman of the Committee of Ways

and Means himself, in his own argument, to sustain his own bill, and they all went to prove that its result would be to increase, and not to diminish the revenue. And these conclusions had been exceedingly fortified in his (Mr. A's) mind by an argument, and especially by an experimental illustration, which he had heard yesterday stated by a gentleman who had used it as a recommendation of the bill. He had heard with pleasure an argument from the gentleman from Maine, on his right, [Mr. Jarvis,] and with no less pleasure an agument from another gentleman from Maine, upon his left, [Mr. Evans,]

[Here the CHAIR interposed, and reminded Mr. A. that it was not in order to reply in the House to arguments advanced in Committee of the Whole.]

Mr. A. said, it was not his purpose to answer the argument he had referred to, but to confirm the statements of the gentlemen who had used it.

The CHAIR said it was not in order to refer to arguments in committee.

Well, sir, said Mr. A., I will confine myself entirely within the rules of order of the House. I say, then, that I heard yesterday an argument somewhere; the House knows where, and by whom it was used, or you may suppose, if you please, that I read it in a newspaper; but this argument was illustrated by an examination into the effect of the reduction of duties upon wines. Here there were actual data drawn from the treasury returns at different times during a succession of years. These returns showed what was the effect of high duties, and what was the result of a reduction of them to one-half their former amount; from which a most forcible and convincing argument resulted to prove that the operation of the present bill would be to increase the revenue. When the wine duty had been reduced by one-half, the receipts on that article were doubled. The same result ran through a long detail, the duties upon different wines, as imported at different rates of duty, and the result was invariably the same. When the duties upon Madeira wine had been a dollar a gallon, they had yielded to the treasury, I think, about 150,000 dollars; when reduced to half a dollar, they had yielded nearly or quite double that amount. So it was with sherry, with port, and with every other species of wine imported in considerable quantities. In every single instance adduced, it was shown that a reduction of the duty had been followed by an increase of the revenue collected upon the article. Mr. A. said he wished he had the statement now before him, for, from what had taken place in relation to wines, there was the proof of experience to show what must happen in reference to woollens, to cottons, to iron, to spirits, and, in short, to every article the duties on which it was proposed to reduce. What would then be the result of passing the bill? Why, that the same taxation—the same terrible taxation—the insupportable burden of taxation, would remain on the people without diminution; and, according to the argument of some gentlemen, all of it would come from the South; whether high duties or low duties, the South paid all.

Mr. A. did not desire to join in any imputation, in these remarks, upon the Committee of Ways and Means, as having understood what the effect of their own bill would be. He did not charge any such thing upon them. But he called upon the chairman of that committee, [Mr. Verplanck,] upon the gentleman from Georgia, [Mr. Wilde,] the gentleman from Tennessee, [Mr. Polk,] and above all, upon the gentleman from Pennsylvania, [Mr. Gilmore,] whose opinions, unfortunately for the opponents of the bill, had undergone, since the last session of Congress, so great a variation—he called upon them all to produce any evidence to show that the bill would not operate to increase the revenue; and he would say that such proof, when produced, would be an infinitely better answer to the supposed imputation upon the committee as having understood their own bill, than kicking out of doors the resolutions of the Legislature of Massachusetts.

Mr. ALEXANDER, of Virginia, said be could have wished, both as a member of the Committee of Ways and Means, and as a friend to the gentleman from Georgia, [Mr. Wilde,] that that gentleman had suffered the language in the papers from Massachusetts to have passed without animadversion. For himself, he felt none of the sensitiveness of his friend. Gentlemen seemed to think that the committee had been grossly ignorant as to what they were doing when they were reporting the bill; and that they were ignorant as to what the precise effect of the bill would be, he would not deny, because no man could tell beforehand, with any precision, the results of a measure of the kind. But he thought the charge of dissimulation lay as much at the door of the committee of the last Congress, who had reported the bill to reduce the revenue at that time, as it could be supposed now to do at that of the Committee of Ways and Means. All they could be said to know was, that there was no such thing as certainty about results of this kind. If a just sense of propriety were not sufficient to restrain gentlemen, as well out of the House as in it, and it was necessary that certain members of the House should set themselves up as censors, such gentlemen, it was probable, could find little else to do than complain. He was aware that in certain quarters of the House the committee had not escaped denunciations, and, he would say, obloquy, of the strongest character. Yet, because the members of that committee had sat silent, and endured these charges with patience, it was not to be understood that they admitted all that was said against them to be either true or just. Some days since, a member from Pennsylvania [Mr. Denny] had indulged himself in a wide latitude of remark as to the motives and character of the committee, and had gone so far as to say that, as far as the article of iron was concerned, the committee must have acted under the superintendence of the gentleman from Philadelphia. That gentleman could not suppose either that the committee felt there was any truth in such a remark, or that the assertion would be believed by any honorable man in that House. The gentleman had even gone farther, and had stated, in reference to another article—[Here the CHAIR interposed, and reminded Mr. A. that it was out of order to reply in the House to remarks made in committee.] Mr. A. went on to say, that if gentlemen would confine themselves to the report of the Committee of Ways and Means, they would there find on what principles the bill had been founded. The question had been referred to them in conformity with the views expressed by the President, how far it was practicable and expedient to reduce the existing amount of revenue, and whether ten or twelve millions of dollars of unnecessary duties might not with advantage be taken off. This was the consideration presented to the committee; and it was for this end, and not in consequence of the attitude of South Carolina, although that subject was not excluded from their view, that the bill had been reported. Gentlemen should not deceive themselves with the belief that, because the members of the committee had been silent, and had given no answer to the taunts and the rebukes heaped upon them, they were therefore acting under the influence of fear. It was not a sense of fear that had actuated them, but a sense of the awful responsibility of their situation, and a sense of what was due to propriety. He begged that gentlemen would not divert the public attention from what was the real question before the House, which was, whether the people of the United States would submit to a taxation of ten or twelve millions of dollars, from which they might without injury be relieved, and not how South Carolina was to be conciliated.

Mr. WAYNE said that he must offer a few words in

explanation of the grounds on which he should be compelled to give his vote different from that which his colleague [Mr. WILDE] would probably desire. It was often the painful lot of gentlemen in that House to vote, from a sense of duty, in a manner very different from what they could wish. Such was his own situation at this moment.

He was disposed to sustain every motion his colleague might make. But when he was asked to reconsider a vote by which a paper from one of the States of the Union had been referred to a Committee of the Whole House, and ordered to be printed, (he cared not how the paper had been introduced, whether it were a memorial addressed to the House, or a resolution in the form of instructions,) and thereby to say that the paper should not be heard, because it contained an imputation on some of the members of that House, he must refuse his assent. He thought that his colleague had been betrayed, by the amiable sensibility of his nature, into a mistake of the true ground which he ought to occupy. Mr. W. did not consider the language objected to as being offensive, because the charge made was mere matter of inference and argument, and was to be viewed only as a strong expression of what the Legislature of a State understood as the true view of a subject before Congress. When the whole Legislature was treated in a disrespectful manner in any document presented to it, that might be good reason for refusing such a paper, or to act upon it. But no such fastidious sense of dignity was indulged when reflections were made on a committee of the House. Nor need his colleague to be so deeply wounded under the idea that the House, by receiving and referring this paper had at all sanctioned any thing that it contained. This was far from being the case.

Two of the gentlemen from Massachusetts had seen fit to resort to the example of Georgia as a vindication of what the State of Massachusetts had done. Mr. W. felt gratified that the gentlemen had gone so far south. And if it was true that Georgia had at all times approached that House in language somewhat grating to ears polite, still the result of her conduct showed that she was right in principle. And he would assure those gentlemen, that whenever Massachusetts should deem her rights to be outraged, and should resolve to resist, as Georgia had done, she would find the people of Georgia rallying round her with a feeling of peculiar regard, as that State which had first rocked the cradle of our infant independence. Mr. W. would not consent to set a precedent, the inference from which might be, that sovereign States, in addressing the General Government, should have their language measured by the rules of politeness, or even decency. For, should their language even be wanting in decency itself, he would still be for receiving it, on the principle that it was the language of a sovereign. When the Legislature of a State transgressed in its public acts the limits of propriety, the members of that Legislature were responsible to their constituents at home, and not to Congress.

Mr. CLAYTON, of Georgia, said he wished to offer a few reasons why he could not vote for the motion of his colleague, [Mr. WILDE.] In some of my views, said he, I have been anticipated by my colleague [Mr. WAYNE] who has just taken his seat. On the ground that they impugn the motives of a committee of this body, the motion is made to reconsider a vote which authorized the printing of certain resolutions sent here from the Legislature of Massachusetts, and which directed their consideration by the Committee of the Whole on the state of the Union. I have two reasons for sustaining this course of the House; one is, these resolutions come from a sovereign State; and the other is, they go to support those doctrines which we of the South have been so long contending for, that of State interposition, as I will presently show. I go the full amount, Mr. Speaker, for the State sovereignties, and that they have the right to speak to us just as they please, and we have no other right but to stand and take it. Offensive as may be considered the style, they are our masters, we are their creatures, and in whatever language they may choose to address us, we are not only compelled to listen to it, but I will go further, we are bound to submit to it; for if we do not here, there is a place where they can bring us up to such an account as will very readily satisfy us of their power. This is not very welcome doctrine about this time, but I hope it will not be objected to by the State whose voice it seems to be so desirable should be heard on the present occasion. If she has no authority here, she has no right to speak, and if she has the right to speak, it must be to some purpose. Now, these resolutions come from a sovereign State, in its State capacity; and what one State can do, all can; unless, indeed, there is a difference between Northern and Southern States. These positions being established, let us see in what manner the sovereign State of Massachusetts has thought proper to address us. It must be recollected that she is very much displeased with the course of South Carolina, thinks it very daring and undutiful, and must not be tolerated, and then most bitterly complains that Congress is going to repeal the tariff laws to gratify that State. After complaining of the conduct of the Committee of Ways and Means for reporting the bill now before Congress, they say it "amounts to a proposal to surrender the rights and interests of the whole people to the menaces of a single State, and the passage of it into a law would seriously compromise the honor and dignity of the Government." Now, Mr. Speaker, one would suppose that a State, speaking in such sensitive terms of the great impropriety of this august body's acting under the influence of threats, would hardly have been guilty, in almost the next breath, of a similar rudeness! But listen, sir, to the following resolution contained in the modest document on your table:

"*Resolved*, That, whilst the people of this Commonwealth, in the spirit of patriotism and of fraternal conciliation, [God help such fraternity!] are ready at all times to submit to such reasonable changes of national policy as the deliberate judgment of the whole country shall require for the common good, they are not bound silently to acquiesce in destructive revolutions in principle and policy, effected by threats of violence through the forms, but in contempt of the spirit and power of the constitution."

Not bound! What do they mean by that? Not bound silently to acquiesce! Do they claim this right under a case of "destructive revolution of principle," and deny it to other members of this Union? Are other members of this Union prevented from acquiescing in destructive revolutions of principles, and Massachusetts alone entitled to that privilege? A gentleman before me, from that State, says she only means a mere resolve to that effect; she does not mean, I suppose, by that, to carry the matter any further. Why, sir, this is absolutely worse. What! resolve, and not carry the matter into execution? Is it to play the part of a blustering, mean bragadocio; to frighten us by threats. Who resolves, that is honest or brave, that does not intend to stand or fall by that resolve? No, no, sir! I cannot think so badly of old Massechusetts. Depend upon it she intends to do what she resolves, and, what is better, she has the right to do it. I want people to take what belongs to them, and not to be afraid of it; but in doing this I do not want them so to take it as to deprive their neighbors of the same right. In the name of all that is just, and fair, and honest, do not establish the principle that all the States north of Mason and Dixon's line, may resolve that they are "not bound silently to acquiesce in a law of Congress, when, in their opinion, it effects a destructive revolution of principle," and deny

the same right to States south of that line! Why should it be? Is it because they are free States, and ours are slave States? Is it because on one side there is free labor, and on the other it is slave labor? Is this to be the distinction that must mark the difference of right in the matter? I have heard much said on that subject in this House, and great reliance is placed upon the morality and justness of the distinction in reference to other matters, but gentlemen deceive themselves, grossly deceive themselves, if they think it will hold in this or any other case. Whenever you believe a law unconstitutional and oppressive, you have the right to resolve that you will not silently acquiesce in it; nay, more, and to carry that resolve into complete effect; and I assure you, we of the South will take the liberty to do the same thing, not only tacitly and quietly, but forcibly if we think proper. We exercise no rights that we are not entirely willing that you should, and we mean that you shall not, without allowing us the same privilege. There can be no mistake in the object of the resolution I have read, for its intention was too plainly indicated in the original draft of resolutions reported to the Legislature of Massachusetts. I happen, Mr. Speaker, to have had a sight of that report, and though what I am about to mention is not now found in the paper I hold in my hand, yet it was there when first submitted, and was to this effect, that the passage of the tariff bill now before this Congress would be derogatory to the national honor, and involving such a gross and palpable abuse of the power of the Government, as would justify the States and citizens aggrieved by it, in any measures they may think proper to adopt, for the purpose of obtaining redress. What do you call this, Mr. Speaker? A gentleman by my side says it is nullification! Yes, sir, it is pure, unadulterated nullification! And, what is still better, a Mr. Banks, I think a member of the Massachusetts Legislature, absolutely proposed an amendment to the report, the object of which was to prepare for the separation! Now, sir, only mark how that sign of the case being altered, alters the case: South Carolina shall not nullify, but Massachusetts may, as much and as often as she pleases. Sir, this is not the first time that State has determined she was not bound to acquiesce in the laws of the General Government. She resolved that the treaty between Great Britain and the United States, relative to the northeastern boundary, in which the State of Maine, and perhaps herself, were concerned, should not be binding. That the decision of the umpire on that occasion should not be carried into effect. I see the gentleman shakes his head; I say that she did resolve substantially it should not be carried into effect; and I say more, she was right in saying so, and I would have marched from Georgia, in principle, to have borne her out in her resolve; for the General Government had no right to cede away either the territory or jurisdiction of a State. This was prevented in the State of Georgia, and I hope I never shall be so inconsistent or unreasonable as to claim for my own State, whatever others may do, what I would not willingly yield to another. For these reasons I am constrained to vote against the motion of my colleague.

Resolutions of Massachusetts.

"*Resolved*, That the adoption of the said line so recommended by the King of the Netherlands, as a part of the northeastern boundary of the United States, would deprive this commonwealth and the State of Maine of large tracts of territory, which, upon any imaginable result of such survey of the northern and eastern boundaries, as is authorized by the 5th article of the treaty of Ghent, belong, respectively, in sovereignty and property, to the said State and to the said Commonwealth."

"*Resolved*, That the Government of the United States has no constitutional right to cede any portion of the territory [the oft repeated question may be asked, who is to judge of this matter, since the treaty-making power belongs to that Government? The Federal Court, to be sure, according to the modern doctrine!] of the States composing the Union, to any foreign power; or to deprive the State of any land, or other property, without the consent of such State, previously obtained, of the States of Massachusetts and Maine, would be a violation of the rights of jurisdiction and property, belonging respectively to the said States, and secured to them by the Federal constitution; and that any act purporting to have such effect, would be wholly null and void, and in no way obligatory upon the Government or people of either of the said States."

The foregoing declaration is distinctly repeated in another resolution immediately following the above. The State of Maine adopted the following resolves on the same subject:

"*Resolved*, That the convention of September, 1827, tended to violate the constitution of the United States, and to impair the sovereign rights and powers of the State of Maine, and that Maine is not bound by the constitution to submit to the decision which is or shall be made under the convention.

"*Resolved*, In the opinion of the Legislature that the decision of the King of the Netherlands cannot and ought not to be considered as obligatory upon the Government of the United States, either upon the principles of right, justice, or honor.

"*Resolved*, further, for the reasons before stated, that no division made by any umpire under any circumstances, if the decision dismembers a State, has, or can have, any constitutional force or obligation upon the State thus dismembered, unless the State adopt and sanction the decision."

Besides the purpose for which the resolutions are quoted, the following deductions clearly result: both States assert their sovereignty, and if their territory and jurisdiction cannot be parted with without their consent, by the General Government, then that Government is not a unit. If the States have sovereignty enough to prevent a dismemberment of their territory, because such act would be unconstitutional, then they have it for any other unconstitutional act, and the doctrine that the General Government acts not upon the States, but upon the people individually, will apply as strongly to the one case as the other; so that every citizen in a State (leaving not a man in it whereby it would be completely destroyed,) might be hung for treason, as well for attempting to prevent the dismemberment of his State as for any other unconstitutional cause. These two States have judged for themselves, and adopted their own mode of nullifying a law; and unless the doctrine in the celebrated case of the farmer and the lawyer, or rather, the ox and the bull, be applied to poor South Carolina alone, they at least ought to shut their mouths.

Mr. WICKLIFFE was anxious to bring this debate to a close, and proposed that, by unanimous consent, the motion for reconsideration should be laid upon the table.

Mr. ADAMS said that he should not have said a word on the subject, but from an imperious sense of duty. And though he had been desirous that a direct vote should be taken, he was willing, as a concession made in the spirit of harmony, to waive his call for the yeas and nays, and consent that the motion should be laid upon the table.

The SPEAKER said that if no gentleman objected the motion would be laid upon the table.

Mr. DAVIS, of Massachusetts, objected.

And the hour allotted to resolutions having expired, the subject was laid over.

The House then passed to the orders of the day, and went into Committee of the Whole, Mr. Wayne in the chair, on

THE TARIFF BILL.

The question which came up from yesterday, was on the amendments proposed by Mr. WHITE, of New York.

The first amendment offered by him, was in the first section of the bill.

Mr. WHITE's amendment went to make the reduction of the duty on raw wool, and on twist and yarn, more gradual, so as to be as follows:

35	per cent.	until 2d of March,	1834.
30	do.	do.	1835.
25	do.	do.	1836.
20	do.	thereafter (a permanent duty.)	

Mr. ROOT said, the amendment of his colleague proposed to extend the period of the reduction of the duty, and leave it at least five per cent. more than was proposed by the bill. By the act of the last session, the duty on unmanufactured wool was fixed at four per cent. per pound specific, and forty per cent. ad valorem. The average cost of imported wool might be estimated at twenty cents per pound. Upon that estimate the duty would be twelve cents per pound, or sixty per cent. The duty on woollen manufactures was fixed by the same act at fifty per cent. He proposed that the reduction of duty on the raw material, and the manufactured article, should be made now correspondent. When the duty on woollens was thirty per cent., the duty on wool should be forty per cent. The reason of this proportion was obvious. Wool was the produce of agriculture, of land and labor combined. The grand staple of this country was land, it was our cheapest and most abundant article, and instead of it, the dearest and scarcest article, labor, should be encouraged. It was the sound policy of all Governments to encourage their own, instead of exotic productions. In England, population was more abundant than land. Labor was, therefore, cheap, and their policy was to protect labor and to encourage the demand for the article of which they had the greatest supply. They encouraged the importation of raw materials in order to give employment to their surplus labor, which could not be directed to tilling the ground, because they had not ground to till. But the policy which would be wise for England was not adapted to our situation. Here labor was extravagantly high in proportion to the price of land. Why should we induce the importation of raw materials? Are there not vast tracts of vacant land for the employment of our population? Is it for the purpose of encouraging the emigration of foreigners to build up towns under our protecting policy, and to fill them with inhabitants who would rather raise the union flag of Great Britain, than the star spangled banner? If there was no adequate protection upon wool the boasted American system becomes an European system. When any attempt had been made to raise the duty on wool, the manufacturers had exclaimed that we were ruining their business. The truth is, they can import wool without duty cheaper than our farmers are willing to raise it, because the German farmers, to say nothing of Spanish wool, which is raised from flocks which roam almost entirely over that kingdom, are in the habit of being satisfied with more scanty earnings than our free and independent population. In this bill the agricultural interest of the nation has been overlooked for the benefit of the manufacturers. Our farmers are to be offered up as a sacrifice to allay the burning avarice of the manufacturers. Indigo and sumac, productions of our own soil, are to be imported free of duty, as an offering to the manufacturing interest. To avert their threats, even the duty of three cents per pound on cotton was to be given up. He would not move the restoration of that duty, as he was not the representative of cotton growers. But the principle of sacrificing the agricultural to the manufacturing interest went through the whole bill. Mr. R. then moved to amend the amendment by striking out thirty and inserting forty per cent. in the first part of the amendment. The motion was lost: Yeas 61, nays 60, the CHAIR voting in the negative.

The question recurring on Mr. WHITE's amendment,

After some remarks from Mr. STEWART, in which he insisted that twenty-five or twenty per cent. on wool was no protection, and that as the duty was merely for revenue, he preferred twenty to twenty-five per cent:

Mr. BURGES followed, and further illustrated the same view.

Mr. ROOT then moved another amendment, so as to insert forty-five per cent., instead of forty, as he had before proposed for the year 1834, and intimated, in answer to an inquiry of Mr. POLK, that he intended to follow this motion, if it prevailed, by moving correspondent amendments to the other rates of duty proposed in Mr. WHITE's amendment.

Mr. J. DAVIS inquired whether the gentleman from New York, [Mr. ROOT,] intended to follow up his amendments by an increase of the duty on woollens?

Mr. ROOT replied in the negative.

Mr. DAVIS said the bill proposed to reduce the duty on woollens to twenty per cent.; he proposes to increase the duty on wool to forty-five per cent.

Mr. ROOT said, it was his intention to fix the same relative duty on wool and on woollens as was settled by the act of July last. The duty on wool by this bill was sixty per cent. and on woollens fifty per cent:

Mr. J. DAVIS did not understand on what authority the gentleman assumed the duty on wool, under the act of the last session, to be sixty per cent. During the debate upon that bill, the duty was stated to amount to little more than forty per cent.

Mr. HOFFMAN thought his colleague was mistaken as to the average cost of imported wool. He held in his hand a document from the Treasury, showing the importations for several years. Mr. H. stated the cost of three and a quarter millions of pounds imported in 1831, at the various places whence it was imported, and said the average was thirty-three and four-tenths cents per pound.

After some further remarks from Mr. ROOT, the question was taken on his amendment to the amendment, and was lost; Yeas 18, nays not counted.

Mr. EVERETT, of Vermont, then moved to amend the amendment of Mr. WHITE, so as to restore the protective duty of the act of last year on wool, viz. four cents per pound, and forty per cent. ad valorem; which was agreed to: Yeas 87, nays 67.

The question then recurring on Mr. WHITE's amendment, as thus amended by Mr. H. EVERETT,

Mr. POLK warmly remonstrated against its adoption, as going, in substance, to declare that the House would do nothing in the way of compromise, but would insist on retaining the protecting duties as they were at present in force.

Mr. INGERSOLL contended that the wool interest had suffered most in the bill of last session, and ought now not to be forsaken.

Mr. CAMBRELENG referred to great speculations which had taken place in wool, and to competition between the wool growers and the manufacturers, in consequence of the duty being raised by a former act. If the amendment should be adopted, he should consider it as an indication that no bill was to pass, and that we were to have war between the North and South.

Mr. BEARDSLEY, of New York, now moved to amend the amendment of Mr. EVERETT, so as to limit it to the first year, and then to decrease the duty successively by one cent each year, in the specific duty, and five per cent. in the ad volorem duty, as follows:

4 cents specific, and 40 per. cent ad valorem,	until 2d of March,	1834
3 cents, and 35 per cent.		1835

2 cents, and 30 per cent. - - - - 1836
1 cent, and 25 per cent. thereafter, (as permanent duty.)

This amendment was carried: Yeas 86, nays 69.

The question being put on Mr. Everett's amendment, as amended by Mr. Beardsley, it was rejected: Yeas 72, nays 73.

Mr. White's first amendment was then adopted without alteration; leaving the duty on wool at

35 per cent. until 2d of March, 1834.
30 do. do. 1835.
25 do. do. 1836.
20 thereafter, (permanent.)

The question was next put on Mr. White's second amendment, which was to the third section of the bill, and made the reduction more gradual, as follows:

30 dollars until 2d of March, 1834.
25 do. do. 1835.
20 do. do. 1836.
And then 15 permanent.

The amendment was agreed to, yeas 66, nays 64.

The question next came up on the third amendment, which is in the fourth section of the bill, as follows:

40 per cent. until 2d of March, 1834.
35 do. do. 1835.
30 do. do. 1836.
25 thereafter (permanent.)

Mr. STEWART proposed to amend this amendment so as to restore the provisions of the act of last year, leaving the duty fifty per cent.

This was negatived: yeas 75, nays 89.

Mr. White's amendment was then agreed to: yeas 76, nays 73.

Mr. White's next amendment was in the eighth and ninth sections of the bill:

Mr. WHITE proposed to strike out both these sections, and insert a provision laying a duty on cotton goods of

30 per cent. till 2d March 1834.
25 do 1835.
20 thereafter (permanent.)

Mr. SEMMES, of Maryland, moved to amend this amendment so as to leave the duty permanent at 30 per cent. After some remarks from the mover, this amendment was rejected without a count.

Mr. PEARCE, of Rhode Island, then offered an amendment to the amendment of Mr. White, so as to make the duty

On undyed cottons 7½ cents the square yard;

Dyed cottons 8¾ cents; except twist, yarn, and thread, (which were to be left as by the Tariff of 1824;)

On nankeens direct from China, 20 per cent. ad valorem;

Stamped floor cloth 43 cents the aquare yard;

Other floor cloth 12½ cents;

Matting 5 per cent. ad valorem.

[The effect of this amendment would be to restore the above duties as by the act of last year.]

On motion of Mr. HOWARD, of Maryland, this amendment was divided; and the question taken first on the cottons.

Mr. VINTON moved to rise. Negatived: yeas 72, nays 75.

The first part of Mr. Pearce's amendment was then rejected: yeas 68, nays 73.

The second part followed without a count.

Mr. STEWART moved to amend Mr. White's amendment so as to leave the duty on cottons permanent at 30 per cent.; and to strike out "silk," as a material.

The motion was negatived: yeas 63, nays 78.

The committee then rose, and

The House adjourned.

Saturday, February 2.

MASSACHUSETTS RESOLUTIONS.

The motion of Mr. Widde, of Georgia, to reconsider the vote of the House, by which certain resolutions of the Legislature of Massachusetts were referred to a Committee of the Whole House, and ordered to be printed, coming up for consideration,

Mr. WICKLIFFE observed that the motion had answered all its purposes, and there could be no good in continuing longer to discuss it. He did not believe there were five members in the House who would vote for it, and he therefore renewed his motion to lay the motion upon the table. Mr. W. however, though with great reluctance, withdrew the motion at the request of

Mr. DAVIS, of Massachusetts, on condition that he would renew the motion; which Mr. D. promised to do.

Mr. D. then said that some of the remarks which had fallen from gentlemen were of a nature to demand some animadversion. Several of those who had addressd the House seemed to suppose, and indeed had expressly said, that Massachusetts had spoken in an improper and unbecoming manner, and had used language of a violent character. Mr. D. denied the justice of both these charges. He knew, indeed, that that ancient Commonwealth was accustomed, at all times, and on all occasions, to speak her opinions openly, plainly, and fearlessly, without regard to what might or might not be the opinions of others. This had been her habit long before she had become a member of the American confederacy; and it would continue to be her practice, so long as the free, liberal, and enlightened character of her institutions should remain. She would, he trusted, at all times, express her sentiments fearlessly, and without disguise, whether her language were put on the records of this House or not. She cared not much whether, like the official language of other States of the Union, it was admitted upon the journals of Congress, or refused a place there. If any invidious distinction was to be introduced, in this respect, he should like to see the ground on which it was to rest. The States had all, at one time or other, spoken with great freedom, without any regard to what might be the opinions of that House, or of committees of that House; and the journals would bear him out in the assertion. He insisted that the paper, so far from being intemperate and violent, was in language quite the reverse: the Legislature had expressed its views with great propriety, and in a very temperate manner; its tone was firm, indeed, but perfectly temperate, insomuch that the gentleman from Tennessee [Mr. Polk] might have saved himself all the trouble of "hurling" it back, and might, at the same time, have saved the Legislature of Massachusetts from all the dismay occasioned by such a procedure on his part.

He would say to the worthy gentleman from Georgia, [Mr. Clayton,] that the paper did not sustain the opinions which that gentleman had expressed to the House. It was not Mr. D's intention to interfere with those doctrines of nullification to which the gentlemen seemed so friendly; on that subject the gentleman could think and act as he pleased, but Mr. D. must protest against Massachusetts being charged with the expression of any such sentiments, or any thing that sanctioned them.

[He here quoted the words of the resolutions, and inquired:]

Did this intimate any intention of nullifying the acts of thh Government? Nothing was further from the scope of the passage. All it declared was that Massachusetts was not bound to sit silently, with her mouth shut, while a policy was proposed which went to destroy her, as though she approved of what was about to be done: that was the meaning, and the whole meaning. And how the gentleman from Georgia could so entirely misconceive,

or misrepresent it, as in the remotest degree authorizing nullification, was to him perfectly incomprehensible.

He had felt it due to himself and to his State to make these remarks, in reply to what had been said by the gentlemen from Georgia and Tennessee.

He then moved, according to promise, to lay the motion on the table; but withdrew the motion at the request of

Mr. WILDE, who said he hoped the gentleman from Massachusetts [Mr. DAVIS] would withdraw his motion, to enable him, Mr. W., to make a disposition of this matter which would relieve the House from all further trouble respecting it.

Mr. DAVIS assenting:

Mr. WILDE proceeded: Nothing had been farther from his expectation when he introduced this resolution, than the debate to which it had given rise, unless indeed it was the new-born zeal for State rights which it had awakened in a certain quarter of the House. He was at first puzzled to conjecture how it happened, that a sentiment which had slept so long and so soundly, had so suddenly awakened; but, on further reflection, it occurred to him, that the uniform advocates of power were consistent with themselves. As they held that States had no rights in a conflict with the General Government, so individuals had no rights in a collision with the States. Nor was the logic of the gentlemen, in his humble judgment, less remarkable than their zeal. Because it was proper that the most unlimited freedom of petition should be allowed—which he admitted—because it was proper that every legislative body should express their opinions of public men and measures, in whatever language they might think becoming to themselves, which he did not deny, therefore, it was right that an individual whose conduct was reflected on in common with his associates, and who, not knowing the fact, had voted for the reference, should not be permitted to reconsider and recal his vote.

Gentlemen seemed to have prejudged his course. They appeared, somewhat too hastily, to have inferred that, if the vote were reconsidered, he would attempt to prevail upon the House not to refer and print the preamble. He had intimated no such thing. He had hinted, on the contrary, that it might be proper for the House to refer and print, but that he could not be expected to vote for the reference of that part of it which, in his opinion, did injustice to the Committee of Ways and Means.

The memorials of other States, on other occasions, had been cited. In these memorials, it was true, the character of laws passed, and the motives of majorities who passed them, had been canvassed with great freedom. Against this he had not objected, and should never object. Nor did he deny that great license in debate was, and ought to be allowed on that floor. In point of precedent, however, the cases did not fit. He had examined a great number of memorials, and he had not found one in which a State Legislature had permitted themselves to indulge in reflecting on the motives of a committee which had reported a measure still pending. But the question was not even whether this was perfectly usual and parliamentary. It was not whether the committees of the House, performing, under the order of the House, such duties as had been assigned to them, were to be exempted from censure, but whether they should be held to vote a censure on themselves, and in asking to be relieved from such a necessity, they were told, gravely told, that their motion was an insult on Massachusetts.

Mr. ADAMS explained. If the gentleman from Georgia had not unfortunately been absent yesterday—he said unfortunately, because he understood it was from severe indisposition—he would have known that he [Mr. ADAMS] had begged leave to correct that expression. He would not be understood as saying that the motion to reconsider was an insult to the Legislature of Massachusetts, because, from his knowledge of the gentleman from Georgia, he knew he was incapable of intentionally offering an insult to any public body or any individual.

Mr. WILDE resumed. He was happy that the gentleman from Massachusetts did him justice. Nothing was, or could be further from his mind than an intention to treat the legislative body of any State with the slightest disrespect. What motive could he have to insult the Legislature of Massachusetts? Men were usually influenced either by the hope of glory or the love of ease. Prudent and thriving statesmen—which he was not—animated by the first, could hardly fail to remember that the very respectable State of Massachusetts had thirteen votes; and he, who had all his life found the last "the sin that most easily besets," could scarcely avoid reflecting that the peace which he loved would be little promoted by bringing down upon his head the displeasure of the zealous and talented delegation from Massachusetts.

So far from intending any disrespect to the Legislature of Massachusetts, he had not imagined that Legislature could believe he respected them less because he had this much respect for himself; that he could not acquiesce in an unjust censure which they had been induced to cast on him. Since the representatives of that State, however, had not considered it consistent with her dignity to allow him an opportunity of denying the justice of that censure by his vote, he would prove his respect for the Legislature of the State of Massachusetts, by relieving them from the unpleasant predicament of appearing to introduce a grave question of State rights for the purpose of obtaining a petty triumph over an obscure individual. He would withdraw his motion for reconsideration, and in doing so, he hoped he was actuated by no worse a motive than that of returning good for evil.

The motion was accordingly withdrawn.

Mr. CLAYTON requested his colleague to allow him first an opportunity of replying to Mr. DAVIS, but Mr. W. said he could not consent to do so.

GENERAL LAND OFFICE.

The House then proceeded to the consideration of the motion made by Mr. PLUMMER, on the 18th January, ultimo, that the House do reconsider the vote taken on the 17th of January, ultimo, agreeing to the resolution reported by Mr. WILDE, from the Committee of Ways and Means, by which that committee was discharged from the consideration of the estimates, documents, and correspondence, transmitted to said committee by the Commissioner of the General Land Office, in explanation of the increased appropriations asked for the service of the present year in that department, and by which the same were referred to the Committee on the Public Lands, with instructions to make certain inquiries therein set forth.

Mr. PLUMMER stated, at length, his reasons in support of his motion to reconsider; insisting that the course proposed was unusual, and that it would be best for the committee to prefer an accusation against the Commissioner, and then call for testimony to support it.

Mr. WICKLIFFE declined going into the subject at this time, or making a Wiscasset business of this matter. The committee wished further information, and could not get it without the power asked for. The House had granted it to them with great promptitude, and they should have exercised it before now, had not their proceedings been suspended by a pending motion to reconsider. The General Land Office had expended $20,000 within the last two years for extra clerk hire, besides an increased compensation to the standing clerks. Mr. W. concluded by demanding the previous question. He withdrew the motion at the request of

Mr. CLAY, of Alabama, who, though entertaining no doubt that the Commissioner would be perfectly prepared to meet the investigation, was in favor of granting the power.

The previous question was seconded, put, and carried; and, on the main question of reconsidering, the House voted unanimously in the negative.

So the power to send for persons and papers was granted.

The House passed to the orders of the day, and once more resolved itself into Committee of the Whole on the state of the Union, Mr. Wayne in the chair, and resumed the consideration of

THE TARIFF BILL.

Mr. APPLETON, of Massachusetts, moved to amend the amendment offered by Mr. White, of New York, to the original bill in its eighth and ninth sections.

[The bill proposed on cottons costing twenty-five cents the square yard an ad valorem duty of 30 per cent. until March, 1834, and then a permanent duty of 20 per cent.; and on all other cottons 25 per cent. ad valorem until March, 1834, and then 20 per cent. permanent.

Mr. White's amendment proposed to make the reduction more gradual, as follows: 30 per cent. till March, 1834, 25 per cent. till March, 1835, and then 20 per cent. permanent.

Mr. Appleton's amendment put the duty at 20 per cent. permanent, and added a proviso that on plains there should be a square yard duty of 7½ cents till March, 1834, and then 6 cents permanent; and on calicoes a square yard duty of 8¾ cents till March, 1834, and then 8 cents permanent.]

Mr. A. supported his amendment by a speech, in which he contended that removing the specific duty must operate to destroy the cotton manufacture, especially that of printed cotton; insomuch that the calico business must be immediately ruined. He believed that this country was supplied with all the cotton goods required for general consumption by our own manufacturers intrinsically cheaper than any other nation whatever. The capital, however, required was so great, that a factory turned out yearly goods only to the amount of half the capital invested. He admitted that this protection was not needed on that particular class of cottons which we now exported; but as the duty was laid on all, he thought it unwise to take it off. The slight difference as to time, proposed by the amendment of the gentleman from New York, was of no value. Ten years was the shortest period that would be any effectual relief.

Mr. WHITE said that there would be no need of heavy protection for an article we were exporting with success, and which was able to meet the British article in the foreign markets.

Mr. WICKLIFFE inquired of Mr. Appleton as to the existing rate of profit in the cotton manufacture.

Mr. APPLETON replied that the Merrimac company, with a capital of a million and a half of dollars, had manufactured cottons to the amount of 6,000,000 yards per annum; but the proportion of goods manufactured per annum, was not more than 50 or 60 per cent. on the capital, on which business they had found a balance in their favor of but $57,000. Their profits were four per cent. for the last six months; this, however, was a season of peculiar depression. In 1831, when their business had been most prosperous, their profits for six months had gone as high as 10 per cent., being at the rate of 20 per cent. per annum. But nothing was more fluctuating. The only company now at Lowell whose stock was at par, were engaged in manufacturing for foreign markets. In fine goods, the caprice of fashion was such that prices could not be calculated upon.

Mr. CAMBRELENG thought that the statement just made presented one of the strongest arguments that could be adduced against the gentleman's own proposition. The only successful company, it seemed, were engaged in making cotton for exportation. Now, he would ask, was there any protection where these cottons went? Were there any protecting laws for these cottons in Mexico? in Brazil? in Asia Minor? Here then, after forty years of protection, in which the farmers of this country had paid an increased price for all their cotton goods, the manufacturers came forward and avowed that their most profitable business was supplying, not the home market, but nations ten thousand miles off. Mr. C. was for removing the duty, and placing their cottons here in our own market just as they were placed in markets abroad. The Glasgow manufacturers had no protection against those of Manchester; yet they, and even the poor people of Switzerland, were able to compete with the Manchester skill and capital; and surely our people could do the same. Mr. C. referred to the personal wealth of the gentleman from Massachusetts, and the thriving state of the manufacturing towns, as proof that the business must be very profitable; deprecated the minimum system as deceptive; and preferred an ad valorem duty, as open and above board.

Mr. APPLETON complained of the disingenuous character of Mr. Cambreleng's argument, which seemed to assume that the manufacturers, while supplying foreign countries with cheap cottons, did not furnish them to their own countrymen as cheap. He complained of the personality of the reference to his own circumstances, and offered to transfer to him all his profits, if he would give him ten per cent. per annum on his investments to cover loss. He spoke for his constituents, and if parting with all his own property would permanently settle the present question, he would willingly give it up. The minimum system had been introduced by Southern gentlemen, and it was the unexampled success of that system in practice, which had rendered our cottons so cheap and so good. It was madness in the South to break down this interest, as it must destroy a valuable market for their own staples.

Mr. BURGES said the question was, whether the cotton manufactures of this country should be preserved or destroyed. The 20 per cent. duty proposed by the bill was to be laid on the foreign cost of the article; and that would be put so low, that the duty would not amount to a cent a yard, although, with all the costs upon it, a yard of that cotton would be worth eight cents. This would let in floods of British goods, and prostrate our own. It was true that the English had reduced their protecting duty to 10 per cent.; but such was the maturity of the manufacture, and the strictness of their revenue laws, that that duty was a perfect barrier against all foreign competition. Her surplus she sent here, and sacrificed at any price, because it would be a dead loss at home; and, besides this, the stock of bankrupts was purchased under the hammer in England for next to nothing, paid little duty, and was then poured into our auction stores. If the Government intended to secure the home market, the only way to do so was to render the duty prohibitory.

Mr. BOULDIN, of Virginia, insisted that the manufacturers asked a protection which no government could grant. The evil of which they complained grew out of protection itself. The moment there was a diminution of foreign supply, the manufacturer pressed on the consumer: prices rose; high prices produced an over importation; this occasioned a glut; prices instantly fell, and both importer and manufacturer suffered together. If 20 per cent. protection, added to all the cost of importation, after two or three years to prepare for the change, was not enough to sustain the manufacture, then, in the name of God, let it go down. Mr. B. protested with vehemence against the square yard duty, as pressing upon the poor, and relieving the rich.

Mr. E. EVERETT now sent to the Clerk's table the remonstrance of the Lowell manufacturing company, which was read.

Mr. E. said he had received letters from gentlemen of the highest respectability, and for whose veracity he would pledge his own, declaring that if the bill should pass as reported, cotton manufactures must immediately go down. Mr. E. protested against the impolicy of destroying so great an interest just after it had surmounted its first difficulties. A fact had just come to his knowledge, of great importance; which was, that the British Government had recently levied on foreign printed cotton goods a protecting duty of 3½d. sterling per square yard. Was it unreasonable that our comparatively infant manufactures should ask protection, when those of Great Britain herself, so affluent in capital and skill, were found to need it. As to the comparison between a specific and an ad valorem duty in making it, it must always be remembered that, in this country, an ad valorem duty, owing to the difficulty of its collection, was not in practice worth more than half its nominal amount.

Mr. WILDE replied to the remark of Mr. APPLETON, in respect to the minimum system, that it had not been introduced to protect manufactures, but to save specie from going to the East Indies to purchase cottons. The protection at first was confined to coarse cottons. That business being overdone, the manufacturers had gone to the making and printing of finer goods. But this they had done at their own risk. Mr. W. inveighed against minimum duties. Let the tax be open and above board.

Mr. DAVIS, of Massachusetts, went into an explanation and defence of the minimum system; and inveighed against the gross fraud by which ad valorem duties were constantly evaded. This was the reason why so many specific duties had been laid, and why the square yard duty had been introduced. The destruction produced by this bill would fall, not on the wealthy manufacturer, but on the laborious people whom he employed, and who had no other capital than the hands which God had given them. Their wages were such as to secure to them the comforts of life; but if protection should be removed, and the establishments proceeded, they could have no other resort than to cut down the wages until the laborers in this country were assimilated to the ignorant, brutal, and squalid poor, who in England shared their time between the factory and the poor house.

Mr. D. remonstrated against so fatal an injury to our country. The equivalent for all this was to be our getting foreign calicoes a few cents a yard cheaper. But even this Mr. D. denied would be the result, because the withdrawing of our own goods to the amount of thirty millions of dollars would inevitably operate to raise prices. Reduction had been tried upon salt; and was salt any cheaper? It had been tried on tea and coffee; were tea and coffee any cheaper? Who was it that complained of the duty on sugar? It was the planters of Cuba. And why? Because when our products pressed hard upon foreign competition, our protecting duty was paid chiefly by the foreigner.

Mr. CAMBRELENG replied, denying that ad valorem duties depended on the honesty of invoices, inasmuch as the goods had to be appraised. He had endeavored to repress fraud, and had formerly drawn a bill for that purpose; and was still ready to go any length for its suppression. He inveighed against all square yard duties. Let the manufacturers say what protection they must have, and let them have it ad valorem.

Mr. DAVIS denied that all the goods were appraised. The appraiser examined but one bale out of twenty; and the grossest frauds still continued. There was a specific duty on iron, why not on cottons and woollens? So enormous had these frauds been, that three-fourths of the American merchants had been driven out of the market. He was happy that the gentleman from New York would aid him in suppressing frauds, as he believed no gentleman was more familiar with the manner in which they were committed.

Mr. CAMBRELENG said there was one effectual way to prevent these frauds, and that was to reduce the duties to a moderate amount. However familiar he might be with the manner in which frauds were committed, he could assure the gentleman from Massachusetts that whenever he should see him honestly engaged in a sincere attempt to put them down, he would concur in the design.

Mr. CLAYTON, though he supposed that the testimony of a manufacturer from the South of the Potomac would not be entitled to the same credit as that of those at the North, would nevertheless offer his own testimony as a manufacturer, that the manufactures of the South could do without such a protection as was proposed by the gentleman from Massachusetts. It might be an uncommon spectacle in that House to see a manufacturer voting against his own interest; for he believed that, with many of those who voted for protection, it was a case of life and death.

Mr. DAVIS inquired whether the gentleman alluded to him.

Mr. CLAYTON replied in the negative.

Mr. DAVIS said that he did not own, and never had owned, a dollar's worth of manufacturing property in his life.

Mr. CLAYTON said that, if there were any other gentlemen who wished to put a similar inquiry, let them come forward and he would answer them; or he would consent that all those who were personally interested should be excused from voting.

Mr. APPLETON inquired whether the gentleman included those from the South, the value of whose cotton crop was, according to their own statement, vitally concerned in the destruction of the protective system.

Mr. CLAYTON said he had not intended to produce any excitement, but as he was himself a manufacturer, and the question should be put whether protecting duties should be increased, he should feel bound to go without the bar. But he presumed he was at liberty to vote against himself. The existing protection gave him the monopoly of the State of Georgia, and enabled him to make a profit of fifty per cent. on cotton cloth at ten and twelve cents a yard. If a square yard duty of seven and a half cents should be added, as was now proposed, what would his profit be then? The gentlemen of the North wanted a law which should be equal to the advantage the European manufacturer had in the cheapness of food, &c. Now, with the duty of seven and a half cents, those Northern manufacturers had made cloth, and sold it at the door of his factory at six cents per yard. At what rate could it be got, should free trade be established? The gentleman from Massachusetts had made an eloquent appeal against reducing American labor, and compelling the operatives to do without the comforts of life. That very condition the gentleman so much dreaded was now the condition of Mr. C.'s constituents. If gentlemen needed such a protection to carry on their manufactures, why not impose the tax upon their own State, under a State law? Why make the South pay for it? Supposing Georgia and Massachusetts to be the only States in the Union, would it be fair to make Georgia pay a tax to support Massachusetts?

If their fields produced cloth and hats, and all other necessaries of life, growing on bushes, would it be fair to make them pay a tax on these articles for the benefit of Massachusetts? Would not this reduce Georgia to the state of a colony? If the bill would destroy the Northern factories, let the operatives go to the West. It was declared that the Government had a right to bring down the slave labor of the South to a level with the free labor of the North; *id est*, that the Southern capital should be

reduced in value till it was on a level with Northern capital. If so, it was time the South knew it. The Southern climate produced, in cotton, rice, tobacco, and sugar, about forty-five millions of dollars; and it was to get at this amount that the Northern capitalist seized upon the Government as an instrument, and enacted the tariff law. The South got this out of the earth by their slaves, and yet they were told that slavery was the cause of all their trouble. The truth was, that their slaves were, in fact, the slaves of the North. It was their slaves that sailed the Northern ships and ran the Northern spindles. Their slaves were their machinery, and they had as good a right to profit by them as Northern men had by the machinery they employed. It was not slavery that produced the depression of the South; it was the robbing the Southern planter of one-half he earned, to swell the profits of the Northern manufacturer.

Mr. STEWART replied that the gentleman had made a most excellent tariff speech. He had informed the House that the business of manufacturing at the South realized a profit of fifty per cent. He presumed it was by slave labor.

Mr. CLAYTON said that his hands were part white and part black; but as a white man in a factory was no better than a slave, the gentleman might call it all slave labor.

Mr. STEWART resumed. If slave labor was worth fifty per cent, why could not the South turn its labor to manufactures? Southern gentlemen told the House that slave labor employed on cotton and rice was worth but five per cent. If in a factory it would bring fifty per cent., who but a madman would keep it in the field? Could any man believe the two statements? Were men any where so blind? Now he put the gentleman on the horns of a dilemma. Either slave labor employed on cotton and rice yielded a profit of fifty per cent., or else manufacturing did not yield that profit. The gentleman might choose which horn he liked. If slave labor was worth that price, why did the South complain? He should like the gentleman to explain.

Mr. CLAYTON replied that his factory was the only one in Georgia; it might, therefore, be expected to do a better business than was done where factories were so numerous as at the North. He believed there were one hundred and fifty in Rhode Island. There had been a time when these factories realized fifty per cent.

Mr. APPLETON: Never.

Mr. CLAYTON continued. Yet those factories were now suffering. So it will be by and by, in Georgia. Others would come in, and there would be bankruptcies as at the North. For his part he should be glad to get out of it.

Mr. STEWART said that here again the gentleman had made an excellent tariff speech. Profits in Georgia were now enormous, but they were to come down. Yes; and what was to bring them down? Competition. This was the very ground the friends of the tariff had always taken. This had brought cottons down, though the protection still continued. The gentleman had said that the protecting duty gave him the monopoly of Georgia. How so? Could not the Northern manufacturer come and sit down by his side; and then where was his monopoly? A distinguished manufacturer from Rhode Island would guaranty to any gentleman half a million of dollars worth of manufacturing property there at an advance of six per cent.; yet at the South it brought fifty! The gentleman had further said, that, although the protecting duty was seven and a half cents, yet the Northern manufacturer had sold cotton at six cents. According to the gentleman's doctrine, as the protecting duty went into the price, they must have given the cotton away, and paid a cent and a half for the pleasure of doing so. If slave labor brought fifty per cent. he thought the South might, in reason, give up something in a spirit of compromise.

Mr. S. went on to remark on the effect of protection on the interest of agriculture; inveighed against reducing our laborers to a level with those of Switzerland and Ireland, and related an anecdote of some Irish operatives who had come over here, and, by continuing to live as they had done at home, had laid up a handsome little fortune out of their wages as factory hands.

After some remarks in reply to Mr. Cambreleng and Mr. Wilde, Mr. S. expressed his hope that the gentleman from Massachusetts [Mr. Adams] would, as he had given notice, test the sense of the committee, by moving to strike out the enacting clause of the bill.

The debate was further continued by Mr. VERPLANCK, and Mr. CLAYTON, who made a brief reply to Mr. Stewart; when, on motion of Mr. DEARBORN, the committee rose, and the House adjourned.

Monday, Feb. 4.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. HEISTER, of Pennsylvania, presented a memorial from sundry citizens of Pennsylvania, praying that slavery may be abolished within the District of Columbia.

Mr. H. said he had had forwarded to him seven petitions of the same tenor, containing the signatures of more than one thousand citizens of Pennsylvania, praying for the enactment of a law or laws for the abolition of slavery and the slave trade in the District of Columbia.

Although it was not likely, at this late period of the session, and at a time when the attention of the National Legislature is engaged on subjects of primary and paramount importance, that any action could be expected during its present session, in reference to the subject matter of the petitions he held in his hand—yet every philanthropist might justly cherish the hope that the time was not remote when the Congress of the United States would deem it not unworthy of their serious consideration to devise some practicable scheme for the gradual abolition of slavery, and its worse concomitant, the slave trade, in this District.

When we reflect, sir, for a moment, (said Mr. H.) on the gross inconsistency of the theory and practice of our Government, and look to the sentiment contained in that sacred instrument, the Declaration of our Independence, that all men are born free and independent, "with certain inalienable rights, amongst which are life, liberty, and the pursuit of happiness;" and see that, in practice, there exists the most abject slavery in this boasted land of liberty, and that, too, at the very portals of your hall of legislation, and in these "ten miles square," over which exclusive legislation has been confided to Congress—an anomaly such as this may be unhesitatingly pronounced unprecedented in any country, at the present or any other period of time.

We all know, said Mr. H., how the evils of slavery were entailed upon our country; that it is not a matter of censure, but of regret; and how delicate a subject it is to touch, or to legislate upon. And he would be among the last of those whose misguided zeal might desire Congress to interfere in any manner with this species of property within any of the States of this Union.

But whatever others might think with regard to the propriety of petitions coming from any other source than from the people of this District on a subject in which they alone may be supposed to be interested, he had no hesitation in saying that amongst the names attached to these petitions, there are those of men inferior to none in estimating the sacred rights of private property, and in a discriminating knowledge of legitimate subjects to be brought here for the consideration of this honorable body. And he would add that, in his humble belief, in common with theirs, the fair fame and character of the whole nation is deeply involved in the continuance of slavery and

the slave trade in this District; and that the subject merited, and he trusted it would receive, the deliberate attention and consideration of this body, at no very remote period. He moved their reference, without reading, to the Committee on the District of Columbia.

On this motion, Mr. MASON, of Va. demanded the yeas and nays.

Mr. ADAMS desired the reading of the memorial, and it was read accordingly.

The yeas and nays were ordered.

Mr. MASON observed, that this memorial came from persons not interested personally in the question of negro slavery; and the language of the memorial, and the remarks with which its presentation had been accompanied, referred to the existence of slavery very generally; and though the gentleman from Pennsylvania disclaimed any wish that Congress should abolish it in the States, yet this was but the commencement of a series of measures which tended to that result. It would be time enough for Congress to act respecting the District of Columbia when the people of the District should themselves request it.

Mr. BATES, of Maine, moved to lay the memorial upon the table.

Mr. DENNY observed that many similar memorials had already gone to the same committee.

Mr. CRAIG, of Virginia, said he was as much opposed to all impertinent interference by States not interested in slave property with the tenure of that property in the slave-holding States as his colleague could be; but the people of Pennsylvania and Massachusetts, and all the Northern States, were as much concerned in all matters relating to the District of Columbia as those of the Southern States, and therefore the petition was perfectly regular, and such as the petitioners had a right to prefer, and should therefore be treated as other petitions were.

Mr. ADAMS said that he hoped the question would be taken, if the gentleman from Virginia should not, on reflection, conclude to withdraw his call for the yeas and nays. If he would withdraw it, he would confer a benefit upon the House and the country, by preventing a very unpleasant debate. Mr. A. had last session presented fifteen memorials of a similar tenor with this one; they had all gone to the Committee on the District. A short report had soon followed, and then the subject was heard of no more during the session. Mr. A., though not in favor of the sentiments expressed in the memorial, was opposed to laying it on the table, as being disrespectful to the petitioners. The right of petitioning was guarantied by the constitution, and nothing but very extraordinary circumstances should induce the House to treat a petition with disrespect.

Mr. JENIFER, of Maryland, after a word or two, renewed the motion to lay the memorial on the table. On this motion Mr. ADAMS demanded the yeas and nays. They were taken, and resulted as follows: Yeas 75, nays 98. So the House refused to lay the memorial on the table.

Mr. MASON then withdrew his opposition, and the memorial was referred to the Committee on the District of Columbia.

The House passed to the orders of the day, and again went into Committee of the Whole on the state of the Union, Mr. WAYNE in the Chair, and resumed the consideration of the

TARIFF BILL.

Mr. WARD, of New York, addressed the committee in support of the bill. He said it was not his intention to detain the committee with any remarks of his, either upon the bill under consideration or upon the several amendments which had been submitted to it. He had considered the present a crisis for prompt and decisive action, and had made up his mind to record his vote in favor of almost any modification of the tariff at this session, with a view of reducing the revenue to the wants of the Government, and leaving it to those who were in favor of raising more money from the people than could be wanted to justify themselves to the people by their speeches if they could. And, sir, (said Mr. W.,) I should not now have risen for the purpose of submitting any remarks upon the bill at this time, but for the speech which the honorable gentleman from Georgia [Mr. WILDE] made a few days since on this bill, when he took occasion to read a paragraph from a Baltimore newspaper, wherein it was stated that the Governor of the State of New York had written to the friends of Mr. Van Buren in Congress from that State to vote against this bill. I am now, however, entirely satisfied, from the explanation which that honorable gentleman has since made, and I take great pleasure in making this acknowledgment, that he did not intend to make the remarks he did in any spirit of unkindness. But, sir, as one of the Representatives of this House from that State, I feel it to be my duty to say that my vote on this bill will be, as I hope it ever has been, based upon principle, and not influenced in the slighest degree by considerations of personal favor to any man. And, sir, I take this occasion further to remark, that if I had father a candidate for the Presidency, and I believed I could promote, or even secure, his election to that high office by voting against a bill, the rejection of which might hazard the prosperity of our free and happy Union, I have no fear that I should hesitate between duty and affection, even in such a case. And I have that confidence in the intelligence, honor, and patriotism of my colleagues, as I have in the people of my State, that I firmly believe they require no prompting from personal feeling or party considerations to enable them to do their duty on this occasion to their State and their country.

The charge that the Governor had written the letter referred to is without the slightest foundation; the distinguished individual now in the chair of that State is incapable of such an interference in the legislation of the nation, either upon the great question now before us or on any other.

I feel it my duty to state that I am decidedly in favor of a tariff of protection. It is in mind constitutional and useful; and although it may have borne hard for a time upon certain sections of our country, yet I have never entertained the belief, that it has in any respect injured any portion of the nation, yet I am so much attached to the Union, that I would unhesitatingly (without abandoning the right to protect domestic industry, by countervailing foreign legislation,) reduce the rate of duties to the requirements of the Government. It is an abuse of the protecting principle to apply it to raise a revenue not needed.

I had the honor of a seat in this House in 1828, and I take pleasure in stating that I recorded my vote against the act of that year, because I then considered that sufficient protection was given to every interest under the act of 1824, and because I considered, and subsequent events have satisfied me of the fact, that that bill was brought before us with a view to political effect, and to have a direct bearing on the then pending presidential election. And I religiously believe that we should not now have been involved in the difficulties we are, had it not been for the passage of that act. I have always entertained the opinion that no national measure should be connected in the slightest degree with the politics of the day; that legislating for particular occasions and to carry particular points, was as unjust as it was mischievous.

During the debate on the bill under consideration we have heard gentlemen upon this floor allege (as their principal reason why they should vote for or against this bill) that they considered themselves bound to sustain the interest of their immediate constituents; and whilst I believe that they were actuated by the purest of motives in mak-

ing the declaration, still I must be permitted to say that in my judgment we do not come here as representatives solely of any particular section of our country, or of any particular interest; but, on the contrary, as the representatives of the whole Union. Partial, it is true, with respect to the interest of a portion, but anxious to encourage and sustain the prosperity of the whole; neither bound nor allowed to sacrifice the great public interest of the country to that of our immediate constituents, even if they could be so unjust as (which I am proud to know mine are not) to require it.

However, since gentlemen have been permitted to speak of the interests of their immediate constituents, I trust that I may be indulged in observing that, were my vote to be influenced by such motives, I feel persuaded that I should be promoting the interest of my constituents by voting for the bill under consideration, with the amendment recently submitted to it by my honorable colleague who sits before me, [Mr. White,] which relieves the bill from all of its exceptionable features. For, sir, I believe that the existing tariff now bears as heavily upon the district I have the honor to represent, as upon any other section of our country. I admit, sir, that the people in that district are not only reputed, but they are in fact, a thriving people, and many of them have amassed great wealth.

As regards the agricultural part of that community, I have to observe that they now enjoy one of the best markets for their products that we have in this country. Every thing that they grow upon their farms is daily sent to the city of New York, which is now acknowledged to be the first commercial emporium of this country, and they receive therefor, in return, the highest cash price. Upon the prosperity of that commercial city, upon its increase in wealth and population, it must be manifest that their hopes, and that of their children, depend; and that city would dwindle into comparative insignificance were it not for the commerce of the country; consequently the interest of the people in that district is intimately connected with the interest of that great emporium. Strike that city out of existence, or break up or impair its commercial prosperity, and you would thereby deprive them of their market, and the advantages they now enjoy.

It is perhaps proper that I should observe, in connexion with the subject, that the indirect tax which is now drawn from that district under the existing tariff laws on foreign articles consumed by them, will amount to upwards of $100,000 annually; a sum which, it seems to me, would be paid by them with great reluctance, were it levied upon their lands and tenements; and yet it is a tax in fact, as much so as though it was thus levied and collected.

But, sir, notwithstanding they have heretofore paid this onerous tax to the Government, and that too without receiving any thing in return in the shape of protection, except it be the protection given to the commerce of the country, and the protection extended to them by the strong arm of the Federal Government, in securing to them the enjoyment of their absolute rights, *i. e.* that of personal security, personal liberty, and private property, yet they have never been heard to complain of the several tariff laws heretofore passed, and which were passed with a view to raise the revenue for the extinguishment of the debt created by the war of the revolution, the war of 1812, and the necessary expenditure of the Government.

It does not follow, sir, that they would bear with equal patience such a burden when these objects are accomplished: and when those who administer the Government say of any tax upon the people that it is unnecessary, I am unable to imagine how I could excuse myself for voting for it.

Sir, we have heard much with respect to the condition of the people in the Southern section, and but little with respect to the condition of the people of the Eastern, Middle, and Western sections of our country, except it be the operations in the manufacturing establishments. If, sir, the agriculturists are more prosperous in those sections of the country than they are at the South, it depends, in my humble opinion, entirely upon themselves; for, sir, a farmer starting in life in these sections of the country of the age of twenty-one years, upon a farm of from one hundred to three or four hundred acres, will be constrained to mortgage it in the beginning for near its value, and by laboring with his own hands, and by adopting the most rigid economy, he finds himself, at the close of the year, not only able to pay his proportion of the taxes to the State and General Governments, but after having expended liberally for the support of his family and the education of his children, he has a surplus left sufficient to pay the interest on the debt created by him and a portion of the principal; and in pursuing this course, year after year, he finds himself at last, after a well spent life, out of debt; and he then calls his farm his own. The children, following the example of their fathers, pursue the same course, and their labors and perseverance are in like manner rewarded.

If, sir, we follow those of our citizens who emigrate to the West; see them settle upon the land purchased by the scanty means they may have left after they shall have reached the spot of their choice; observe the forest fall before their axe; the ground cleared for their crops; the log house first built, and then, in the course of a few years, the more stately mansion erected to supply its place; and it seems to me that it must be admitted that their sufferings are infinitely greater than that of any portion of our Southern brethren; and yet, sir, these pioneers have contributed largely to the expenditures of the Government, and that without a murmur.

I do not wish to be understood as casting the slightest reproach upon our Southern brethren on account of their alleged sufferings and grievances, nor have I adverted to it in the spirit of unkindness; and while I admit that they have had cause of complaint, yet, I consider that they have not only magnified their complaints, but they do not attribute the cause to the right source.

But to return to the subject. It appears from the report of the Secretary of the Treasury, that the whole of the national debt which remained unpaid at the commencement of the present year amounted only to seven million sixteen thousand dollars; a sum less than the market value of the stock of the Bank of the United States owned by the Government; consequently it may fairly be conceded, that we can say we have no longer a public debt. The Committee of Ways and Means, in their report on the bill under consideration, have truly observed that,

"The time and the occasion, whilst they are fitted to awaken the noblest feelings of the patriot, and to give confidence and ardor to the principles and hopes of every friend of republican institutions, call also upon us, with equal force, to discharge the weighty, honorable, and practicable duties to which we have been cordially invited by our Chief Magistrate—the removal of those financial 'burdens which may be found to fall unequally upon any,' and 'the reduction of the revenue to such a limit as shall be consistent with the simplicity of an economical Government, and necessary to an efficient public service.'"

As the Government, therefore, has more means in the Treasury than sufficient to pay off and extinguish every dollar of the national debt; and as the national revenue from customs and other sources will amount, under the present tariff law, to nearly thirty millions annually; whilst the annual expenses of the Government, hereafter, will not exceed fifteen millions annually, it seems to me that no solid objection can be raised against a reduction

of duties at this time. The committee, in their report already alluded to on that subject, have made use of this strong language: "To this annual amount of fifteen millions must the revenue be reduced. All beyond this must be a needless burden upon the people; a tax falling directly or indirectly upon the land and labor of the country, certainly injurious in its effects, and probably unequal; enriching the treasury only to divide and distract our public councils, by tempting to expenditures of doubtful constitutional right, or inconsistent with the simplicity of republican institutions, staining their purity and hazarding their permanency."

The honorable gentleman from Connecticut, [Mr. INGERSOLL,] one of the Committee of Ways and Means, it is true, seems to doubt the accuracy of the report of the Secretary of the Treasury with respect to the means now in the treasury for the extinguishment of the national debt. But, although I entertain the highest respect for the talents of that able representative, yet, sir, when his opinion is put in opposition to the distinguished individual at the head of the Treasury Department, and that opinion is confirmed by the chairman and all the members of that committee, except himself, I feel constrained to believe the Secretary when he assures us that, unless something is now done to reduce the revenue to the wants of the Government, we shall have, at the commencement of the next year, from five to nine millions remaining in the treasury unappropriated. And, unless Congress now interposes, the receips will roll up and retain a dangerous surplus in the treasury, which, it is to be apprehended, may endanger the peace of the country and the permanency of the Union itself, in the struggle for its distribution. And, sir, it is a fact worthy of observation, that those gentlemen who now oppose this bill all concur in this opinion.

The honorable gentleman from Massachusetts, [Mr. CHOATE,] made use of the following observation in his speech in this House on that subject a few days since:

"A vote of the House this morning (said that honorable gentleman) seems to indicate that our minds are not yet fully made up on the practicability, or inexpediency, or right, of effecting such a distribution. [Alluding to a division of the surplus funds among the States.] On the other hand, the accumulation of money annually in the hands of the Government is still less to be thought of. Upon this point the opinion and practice of all modern statesmen are decided and uniform. No Government lays up gold or silver, or any other form of wealth in its coffers."

Unless we pass some bill at this time, reducing the revenue, Congress ought, at least, to make some disposition now with respect to the surplus money which will be accumulating during the present year; and, I would ask, what shall be done with it? Shall we pass a law authorizing commissioners of loans to be appointed in the several counties in this Union for the purpose of loaning out the money to the public on bond and mortgage? No; for in a few years the whole landed property in the country would be mortgaged to the Government. Shall we, then, pass a law authorizing the Secretary of the Treasury to invest it in the stocks of the incorporated companies? No; for we should thereby interfere with the rights of the citizens, and reduce their income upon the stocks they now hold.

What, then, shall be done with it? I answer, there is, sir, but one opinion with respect to it; and in that opinion all of those who have opposed, most strenuously opposed, the passage of this bill, concur. The honorable gentleman from Massachusetts [Mr. CHOATE] makes use of the following able remarks in relation to it:

"I consider it to be the settled opinion of the country (says that gentleman) that the national revenue ought to be restricted to, and measured by, the necessary annual expenditure of the Government, out of debt, and economically administered. The public demand is, I think, that the tariff be so constructed as to yield that amount of revenue and no more; and if the tariff of the last session shall be found, on a full experiment, to yield more than that, sooner or later it must, of course, be altered. In other words, if fifteen millions a year will administer the Government, fifteen millions are all which we can permanently collect from imposts."

This, sir, is the opinion of one who has taken a decided ground against the passage of any bill at this session. And, sir, it is worthy of remark, that all who have opposed it have concurred in the same opinion.

And now, sir, since this point cannot be controverted, why not let us set about adjusting the tariff now? I do not wish to be considered the advocate of the bill in the shape it was reported by the committee, but am willing to vote for the amendment proposed by my colleague, [Mr. WHITE,] and if that is not deemed by the friends of our manufacturing interest a sufficient protection, then I call upon them to present us with such an amendment as will afford them as ample a protection as the amount required for the national expenditure will justify. And, sir, if I may be permitted to take the liberty which has been taken by other gentlemen on this floor, that of adverting to the observations of gentlemen who are not members of this House, but who are now present, and without the bar, then I can assure the committee that I have been informed by a manufacturing gentleman of high standing in this country, and one who has a large capital at stake in that interest, that he could prepare such an amendment to the bill as would not only be acceded to by the members from the Southern and Eastern sections of the country, but such an one as would afford ample protection to the manufacturers; and at his instance I introduced the subject to the Committee of Ways and Means, and received from the chairman of that committee for answer that, so far as regarded himself, he was willing to make any fair and honorable concession or compromise of the question. Since, then, it is in the power of the manufacturers to present such an amendment, I call upon the friends of that interest to come forward at this time with it and I will give it my cordial support.

The chief objections which have been raised by those opposed to this bill against the passage of any modified tariff at this session are, first, that the act of 1832 has not yet gone into operation.

And, sir, is that a solid objection against our acting upon the subject now? I should think not. The law of the last year, it is true, has not yet gone into operation, and therefore it is the same as though no law had passed at that time in reference to it. The subject was ably discussed in this House, which then consisted of the same members. We have therefore the benefit not only of all the light which was communicated to us at that session fresh in our minds, but we have this further and important fact presented to us, and already adverted to, namely, that unless we pass an act at this session, further modifying the tariff, the revenue will exceed by several millions the expenses of the Government the ensuing year.

If, sir, we believe the statement made by the Secretary of the Treasury, and we must repose confidence somewhere, then, sir, it seems to me that no rational objection can be raised against the passage of a bill now.

The next and principal objection which has been urged against the passage of any bill at this session is, because South Carolina has prospectively nullified the law of last session. The honorable gentleman from Massachusetts, [Mr. CHOATE,] whose speech I have already referred to, makes use of the following observations in relation to that objection:

"It would be mere affectation in me," says that gentleman, "sir, to pretend not to see that this bill is introduced because South Carolina has prospectively nullified

the law which we made *in pari materia*, five months ago. The chairman of the Committee of Ways and Means does not, to be sure, say this in his speech, or in his report, but there is not a man, woman, or child, in the United States, who does not know it."

I am free to admit that it is deeply to be lamented that resistance has been so threatened and manifested, that it is difficult to settle this question without adopting measures to which we may seem to have been driven by violence rather than to have been led by the calm consideration of political wisdom. But this imputation, which the folly or the pride of others may cast upon us, ought not to shake our firmness. We ought to do right, and disregard what may be thought or said of our motives. We ought to proceed to that adjustment of a great measure which the condition of the country and the welfare of the whole may seem to demand.

Again, it has been stated on this floor, during the course of the debate, that the President does not desire the passage of the bill at this session; and this has been urged by those opposed to the measure as another objection against it.

There is not, in my opinion, the slightest foundation for this last objection, because it is well known that, in his message which he sent to both Houses of Congress in December last, after adverting to the fact, and congratulating his fellow-citizens on the near approach of the extinguishment of the public debt, he recommended the subject to Congress in the following words:

"The final removal of this great burden [alluding to the public debt,] from our resources, affords the means of further provision for all the objects of general welfare and public defence which the constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury it will be seen that, after the present year, 1831, such a reduction may be made to a considerable extent, and the subject is earnestly recommended to the consideration of Congress, in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object as may remove those burdens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

That part of the message which recommends a further reduction of the tariff was referred by the House to the Committee of Ways and Means, and that committee in compliance with that recommendation reported the bill now under consideration.

The President has, therefore, met the question, as he has always met every thing, with firmness. He is not a man to shrink from the responsibility he has thus assumed. He has discharged his duty to his country, fearless of any miserable imputation that folly might cast upon his motives. And he has given the strongest illustration that he possesses the bold and independent bearing, the upright and honorable perseverance, that the times require. Indeed, there seems to be but one opinion now among the friends of the Union with respect to that distinguished individual, and that is, that in these perilous times, when the mania of change is shedding its disastrous mildews over our own highly favored land, that it is a source of gratulation that we have a tried and talented Chief Magistrate in the chair of State, whose firmness may be compared to the rock by the sea shore, at whose base the mighty billows may dash in vain, and around whose head the gathering tempest may burst without injury.

Nor need we fear to be reproached with cowardly yielding to violence and menace, in passing this bill, when the same reproach must fall on him who recommended it; and such a reproach upon such a man would be ridiculous. No, sir, rather let us follow the example of magnanimity he has set us; like him, and like the rock against which the tempest vainly beats, let us disregard the assaults that may be made upon our motives; and standing firm and erect at the post of duty, we shall be partakers with him of the high rewards of patriotism—the approbation of our consciences, and the thanks of a country delivered from anarchy and blood.

The President having discharged his duty, it becomes those who approve of the measures he has recommended, to sustain him. We have therefore much to do. But it has been said on this floor, that we ought not to pass a bill at this time modifying the tariff, because it will be alleged that we have been coerced into the measure. Sir, in the present crisis of our country, it may be well to review the course and the principles of sages and patriots of other days, and see whether, in the discharge of a patriotic duty, they feared to encounter suspicion and reproach for their country's deliverance.

If those men who founded our republic wavered not in their purpose when the terrors and ignominy of the scaffold were before them, when they knew that their blood must cement the foundation of the structure they reared, and they themselves become the first sacrifice in the temple of liberty which they dedicated, and in which we worship, shall we be dismayed; we who have lived to see beyond the clouds that were then shrouding their footsteps? Lost, it seems to me, must he be to every generous, every patriotic emotion, who is not ready to come up with heart and hand to this work. There is no room for wavering. We are acting for our country, and our motto should be "Our country, our whole country, and nothing but our country." We have been told, that on the decision of this question, on our prudence and energy may depend the existence of these States, or at least their Union; and to us there is no distinction between existence and union. If, then, so much may depend upon our wisdom, how deeply important that we now act with coolness and candor, remembering that we must answer for the conclusions at which we arrive, at the bar of a redeemed or a ruined nation.

We have heard it asserted in the course of this debate by the honorable gentleman from Ohio, [Mr. Vinton,] who, I have no doubt, was influenced by the purest of motives, that he would rather see the land stained, and our rivers flow, with American blood, than see the constitution of the United States broken down or impaired in the slightest degree. Sir, I hope and trust we shall never live to see the happening of either event. Indeed, I should, so far as regards myself, much rather settle the question now, and save our constitution, than that the life of even one solitary individual should fall a sacrifice through our neglect or omission to do our duty at this time.

From the course the debate has taken, the subject, I regret to say, has now assumed a solemn aspect. If it is not to be read in the solemnity with which we daily assemble, or the voice and countenances of each member of this House, it will be discovered by the numerous public meetings held throughout our country, the agitated state which now exists in the public mind, and by the great number of gentlemen of distinction who are now here from every section of our country inquiring what is to be done to save our Union.

The evidence is written on every heart, that we are on the brink of an awful precipice; and whether we shall escape or be dashed into the depths below, He only knows who rules in the heavens and governs the nations upon earth.

We boast, and well we may boast, of our ancestry of statesmen, and heroes, and martyrs in our country's cause that no soil but our own has reared; and shall we, who sit here, be regardless of our responsibility, and forgetful that there is intrusted to us all that the patriot holds sacred—all that we cherish and love? Our country is in danger; let patriotism awake; dead to every other feel-

ing, to every little and local interest, let us obey its holy impulse, and save our country.

In this place of high responsibility we must act.

For one, I would gladly relinquish my seat to the humblest of my countrymen who would bring more prudence and intelligence to this momentous question. But, while I say this, I would yield to no one in sincerity of heart, and devotion to the peace and prosperity of the proudest land under heaven.

On us, at this moment, are fixed the eyes and the hopes of this great people; they have trembled as they foresaw this coming evil, but they had no power to avert it; the strength is delegated to us, and for them we must act.

And not only are the eyes of our country fixed on us, but the friends of the Union in that State on which the severest of the impending evils must fall are now asking our protection, and look forward to the result of our councils with intense anxiety.

Sir, we have heard within these walls the language and resentful feeling addressed to the misguided people of that State. Shall we feel indignation towards the majority of that people, or the evil counsellors that have misled them, and have we no sympathy for a noble and true hearted minority; a minority that remembers they are Americans; that look upon the nation whose representatives we are, not as a foreign lord with which they may contract and dissolve alliances at pleasure, but as their own, their native land, to which they owe an allegiance as absolute and as dear as that which binds them to the spot of their birth; a minority that remembers they have sworn allegiance, not only to a part but to the whole of that country which all are proud to call their own, and who declare themselves ready to suffer all the persecutions and oppressions that are prepared for them, rather than swerve from their sworn allegiance? Sir, there are no men upon the face of the earth more deserving the sympathy of the brave and patriotic, whether we consider the perils to which they are exposed, or the spirit with which they meet it, than the friends of our great Union, in South Carolina. Pass this bill, and you save them from a state in which it is to be apprehended they must either engage in deadly strife with their brethren, or submit to an usurpation the most cruel and unrelenting. Sir, I confess, I am not insensible to this claim on my sympathy; and while I avow my desire, by the passage of this bill, to give relief to them and peace to our whole land, I do avow that I am ready to give to the administration of the General Government (as I trust we shall do) the most ample powers for their protection, that it may be enabled to defend this gallant and patriotic minority from its oppressors, and to save, with the shield of the Union, those who have dared to be faithful to the Union.

And when an appeal is made to the patriotism of our fellow-citizens, in behalf of the institutions of our country, when they are told that their constitution is in danger; that their peace and prosperity will be blighted; their republican principles trampled upon; their hopes of happiness in their beloved land forever blasted; tell them this, and a spirit would go forth rousing the sons of liberty in their strength, and millions would go forth and beg the privilege of dying as their fathers died, and of leaving to their children the legacy of a martyr's name.

But may we not hope, that at this time every man will come up with a high devoted spirit of patriot feeling, and sacrifice on the altar of the common welfare every prejudice that will weaken or distract at such a crisis?

In such a spirit as this was the independence achieved; in such a spirit was our constitution framed; and both have been generously maintained until the present time, when the want of this spirit threatens to sap the foundations of the one, and blot out the existence of the other.

It is a proud reflection to know that our prosperity at present, and our prospect for the future, all unite in teaching us that we are destined to become a great, as we are a glorious, nation. The sun in his course shines not on a prouder land than ours; it visits no happier clime; his beams rest on the mansion of the rich, and he is blessed and protected in the enjoyment of his honest and hard-earned wealth. His rays shine on the thatched roof of the peasant, and he thanks God for his cot and his home, in this his native or adopted land. In the arts and sciences we have prospered, and we are advancing with rapid steps to a high place among the nations of the earth. And this great charge is committed to our trust, to be given to posterity, with none of its glory obscured; robbed of none of the jewels of its crown.

It is well known that we are making the grand experiment of self-government, and on our success or failure hang the hopes of a rising world. There have been Governments styled republics, and ruled by tyrants who taught the people that they were free, while the chains were forging for their necks. Rome was a republic; but liberty there was only a name for licentiousness, or a cloak for despotism. Greece was a republic; while a demagogue swayed the ignorant and deluded multitude, and needed but a sceptre to make him a king.

But where are these republics? The sepulchre of nations is inscribed with their epitaph. The flames that consumed their foundations still burn as beacons to warn us of their fate. They perished (as we must perish, if we ever perish) by their own hands. Invincible in arms, a world could not enslave them, while the factious spirit of a few spread the elements of discord among the people, and rendered them an easy prey to a foreign enemy. And thus it may be with us. Sunder the cords that unite us together; erect each State into an independent nation; arouse the jealousy and ill will and contention, that would naturally spring from such a state of things, and the last ray of liberty is extinguished.

I feel reluctant to believe that the seeds of disunion are, at this early period of our existence as a nation, sown in our republic, or that a people who govern themselves cannot be their own rulers; and, I trust in heaven, notwithstanding our present difficulties, that this Government will be transmitted unimpaired from generation to generation, until the end of time. Certain I am that there is none here ready to stand by and witness the prostration and the sacrifice of those principles in which this Government was laid, and in which it has advanced to its present greatness. I appeal to the patriotism of this House, by every motive that can rouse an American heart, or move an American arm, to come forward (to use the language of the sages of the revolution,) "in that spirit of amity and mutual concession the peculiarity of our political situation renders indispensable," and settle at this time the question which is now before us, and which, it must be admitted, has given rise to the difficulties in which we are now unhappily involved. I call once more upon those gentlemen representing the manufacturing interest, to bring forward their amendments to this bill, if any further are required to preserve the manufacturing establishments.

I will conclude by observing that I believe, religiously believe, that a more favorable opportunity will not soon occur again in a way to secure a permanent protection to our manufacturing establishments; for if the estimated statement of the Secretary of the Treasury should prove true, and we should have, at the commencement of the next year, from eight to nine millions of money in the treasury unappropriated, the people will call for a much greater reduction than is now asked for. It cannot be that any interest in the country is so infatuated as to imagine that an intelligent people will ever consent, for the protection of any particular interest, to tax themselves in order to raise millions of dollars more than can be wanted for the public expenditure; and, I may further

ask, if such a protection could be given at the hazard of the public peace, would it become those who hold it, to be so selfish as to require it? And what is there in the work of the republic, to save the interest that might be thus protected from the common ruin that would overwhelm all our interests, all our hopes?

Mr. WARDWELL, of New York, said, that soon after the bill now under discussion was reported by the Committee of Ways and Means, he had determined to give his reasons at large, why it ought not to pass into a law. He had examined its details, and believed he understood some of its provisions, and felt himself called upon to state the motives which would govern him in recording his vote against it. But so much had been said on the subject, and he had been anticipated in his arguments by so many gentlemen, that he had since concluded to remain, as he had heretofore done, entirely silent; and he would not now have troubled the committee with any observations, had it not been that some gentlemen, not being content with occupying the time of the House for several hours, have thought proper to give the committee a second, third, and even a fourth, edition of their very lengthy arguments. Mr. W. had, therefore, concluded that the committee would not now take it unkindly if he trespassed on their attention for a few moments.

He did not consider himself an ultra tariff man. The constitution under which Congress now acts was established on principles of mutual concession and compromise. It was on these principles alone the Union must rest; it could not long be sustained by force. It was on these principles he acted at the last session in voting for the tariff bill which passed by such unexampled unanimity. He voted with the friends of the bill throughout, and when it became a law, no man was more rejoiced than himself at so important a result. Six millions of taxes were taken from the burdens of the people by that law, and he considered it an earnest, and so he thought the South ought now to consider it, that after the law should go into operation, and it was found that it still bore upon the South too heavily or unequally, that a further reduction should be made by a subsequent Congress, having due regard, however, to the rights and interests of all. He did not suppose he should be called upon so soon, before even any part of that law had gone into operation, to vote for a much greater reduction of duties than was anticipated by any moderate man at the last session of Congress. It appeared to him that no circumstances had happened which imperiously required such further reductions before it was possible to ascertain the effect which the law of July could have upon the country. It further appeared to him that the moderate men at the South ought not to require it at this session. Gentlemen from the South ought to reflect that this system, which is now sought to be destroyed, was not the creature of a day or a year. The duties on imports had been gradually increasing from the year 1816 to 1832. Large and extensive establishments had grown up under the various laws which have, from time to time, been enacted by the Government of this country. And, said Mr. W., are these establishments now to be utterly prostrated in a moment? Surely the South will not require so great a sacrifice of property without at least one year's warning. Men of business had made their arrangements for the ensuing year. A large amount of property had been invested in the various employments of life, which are intimately connected with the tariff laws. The merchant had sent out his ships; the manufacturer had purchased his stock for the ensuing year, and they had a perfect right to rely on the continuance of the law of July last, at least for that short period.

Mr. W. said he had taken some pains to gain information on this important subject. Not from manufacturers themselves; men who are interested in this question, but from men who had not one dollar invested in any manufacturing establishment, and who were called free trade men, but who had ample opportunity to investigate and understand the subject. He had also, some experience of his own, and he did not hesitate to say, that if the bill before the committee should pass into a law, every cotton and woollen factory in the Union (excepting, perhaps, the one owned by the gentleman from Georgia,) [Mr. Clayton,] would be either severely crippled in its operations, or utterly ruined and destroyed.

Believing this, said Mr. W., he could not vote for this bill, with its present provisions. He would, with the permission of the committee, read a short extract of a letter which he had received on this subject.

"I have looked over his [Mr. Verplanck's] report which you sent me, and cannot help thinking that the cotton manufacturers have not had justice done them. I approved of the principle of the tariff of 1816 as a basis, but think that principle has not been preserved in the bill reported. The act of 1816 established the minimum of twenty-five cents per yard on cotton cloth, and sixty and seventy-five cents per pound on white and colored cotton yarn. Had these minimums been preserved I believe the cotton manufactories could have lived; but without them they must be destroyed. On bar iron the act of 1816 enforced a duty of nine dollars per ton, and the present bill proposes as the lowest, fifteen dollars. Here appears to me a manifest preference of Pennsylvania to New England."

But, said Mr. W., if it were now necessary to pass another tariff bill; if the "signs of the times" imperiously demanded from Congress another law, reducing the duties still more than the act of July last, this was not, in his humble judgment, such a bill as ought to meet with a favorable consideration. It is manifestly unequal in its provisions, and must be so in its effects. This bill proposes to reduce the duties on cottons and woollens to twenty per cent. ad valorem. It leaves brown sugar at two cents per pound, and clayed and white sugar at two and a half cents per pound. This, the Secretary of the Treasury tells us, is equal to forty-six per cent. ad valorem. If, however, instead of two cents the pound weight it was converted into a duty of forty-six per cent. on the prime cost of the article, the duty might then be tolerable. On some kinds of sugars it would be about one cent the pound weight. Mr. W. considered sugar as one of the necessaries of life. Next to breadstuffs, it was the most important article of home consumption. The poor people of the North depended on it for subsistence as much as they did on their bread. It affords a nourishment equal to that of any food on which man subsists; and yet this article of food so necessary to all classes of people, pays a duty by this bill, according to a statement of the Secretary of the Treasury, of forty-six per cent., and on some kinds of sugars, as Mr. W. believed, of at least seventy-five per cent., while the protective duty on cottons and woollens was reduced to twenty per cent., and that on raw wool to fifteen per cent.

Mr. Chairman: Let us compare these interests, and ascertain if there be such necessity of making the discrimination as is made by the bill before us. Sugar is grown and made only in one State of this Union. No one pretends that it can be made with any degree of profit in any other State but Louisiana, and possibly in some parts of the Territory of Florida. There are now engaged in the sugar business only about 700 men; at the most 800; and a majority of these are gentlemen of fortune. The capital invested in the cotton factory business alone, far exceeds the capital employed in the sugar business. Cotton factories can be established in all parts of the Union, and all classes of our citizens can, if they please, become more or less interested in them. One would naturally suppose, therefore, that the greater the interest the greater the

protection. But a rule the reverse of this is adopted by the bill before us. Now suppose, Mr. Chairman, that it shall be necessary to destroy these two interests; let us see who of those concerned in them would sustain the greatest loss in proportion to the amount of capital invested. The land and the slaves now employed in the sugar business could immediately be employed, without much expense, in the growing of cotton, which article, if the Southern doctrine be true, will immediately be enhanced in price, by commencing a free trade between this country and Great Britain. Should, however, the large manufacturing establishments of New England be destroyed by this bill, the capital employed in the erection of buildings and in machinery would be a dead loss both to the owners and to the country. A vast multitude of men, women, and children, would at once be thrown out of employ, and many of them would have no other hopes of subsistence left, but in leaving the land of their fathers for the "far West." The farming interests, too, sir, could not altogether escape the sad effects of so sudden a change in the policy of this Government.

Mr. Chairman: There is another important interest which is protected by the existing laws, which, in my opinion, will be severely injured by this bill if it should pass into a law. I mean the tailoring business in our large cities. By this bill the duties are reduced from fifty to twenty per cent. on ready-made clothing. Time was, sir, when many of our citizens, and particularly the dandies of Broadway, considered a coat not worth the wear unless it was made in London. But the high rates of duty on ready-made clothing has prevented, in some measure, the importation of these articles; and a business has grown up under the protection afforded by the existing laws in our large cities, of the utmost importance to a large number of the working classes of those cities, and which now to destroy, would deprive thousands of men, women, and children, of the daily means of subsistence.

From a document laid on our tables, from the Treasury Department, it appears that the value of domestic cottons and woollens used by the tailors in the city of Boston is $400,000

The value of foreign silks, linens, and woollens, is 1,500,000

Total amount, $1,900,000

There is paid to 400 men and boys in one year the sum of $201,500

Do. 1,300 women and girls, 201,500

Total, $403,000

The value of garments made up is estimated at the sum of $2,600,000

The city of Boston contains, by the last census, 61,000 inhabitants. The city of New York 202,000. Now, allowing that a proportionate amount of business in this branch of home industry is done in the city of New York, as is done in the city of Boston, according to the number of inhabitants in each, and we shall have the following results:

Paid to 1,324 men and boys, per year,	$666,965
Do 4,303 women and girls,	666,965
Total,	$1,333,930
Value of domestic cottons and woollens,	1,324,000
Do. of foreign materials,	4,965,000
Total,	$6,289,000
Value of garments made up,	8,600,000

An amount considerably excelling the amount of exports from the State of South Carolina. These garments are sold in different parts of the Union for home consumption. It is from this branch of business that your navy and merchant ships are principally supplied. I am somewhat surprised, sir, that my honorable colleague [Mr. VERPLANCK] who reported this bill, should have overlooked an interest so important to the working classes of his own city, and at the same time should have imposed a duty of from 46 to 75 per cent. on brown sugar, without which no family can be said to have the comforts of life.

The amount of duties which accrued to the Government in the year 1831 on brown sugars was $2,145,303 37. By whom is this enormous tax paid? Not by the Southern or Western, but by the Northern and Middle States. And paid, too, for the benefit of a few hundred wealthy planters of Louisiana. But it may be said, that if you destroy the interest in Louisiana, you destroy the market for many of the productions of the Western States. In like manner, sir, if you destroy the manufacturing interests of the North, you destroy the market for many of the productions of the Northern States. I would destroy neither, sir; I would deal out evenhanded justice to both and to all other interests in the Union; but I would not seek to build up or protect, by any legislation, one branch of American industry, and at the same time destroy or materially injure another of at least equal importance.

There is another item in this bill, although small in itself considered, yet it shows the gross inequality of its provisions. The duty on refined sugar by this bill is ten cents the pound, or 103 per centum ad valorem; besides the encouragement which is afforded to the manufacturer by a drawback on its exportation. It would be very desirable to know what object the Committee of Ways and Means had in view in fixing this high rate of duty. It cannot be that of revenue. The duty amounts almost to a prohibition. The amount of revenue which will accrue on this article by the bill is estimated at $51,651. And, it will be seen, by the report from the Treasury Department, that there was paid for drawbacks on this very article in the year 1831, the sum of $63,688 65. It thus appears, that instead of a revenue being derived from it, it operates as an absolute drain from your Treasury. If this high duty is imposed for protection, it may be asked, why the necessity of this high protection? Is it one of those articles which will be necessary in time of war? Does it at all contribute to the comfort of the laboring classes of the country? And yet you propose by this bill, to continue the high protection afforded to this comparatively unnecessary article, and at the same time, withdraw altogether your protection from cottons, wool, and woollens! There are many other articles which might be mentioned to show the inequality and inconsistency of the bill; but Mr. W. said he would mention but one, and that was the article of spirits. The duty on foreign spirits, by the act of 1828, is in the average fifty-nine cents the gallon, or 145 per cent. ad valorem. On first proof spirits it was fifty-seven cents, and on second proof spirits it was sixty cents the gallon. By this bill the average duty is twenty-nine cents the gallon, and on first and second proof only eighteen cents the gallon. Here is a reduction of considerably more than one-half on the article of foreign spirits.

Now, Mr. Chairman, who is so blind as not to see the effect of this operation? In the first place, it will have a tendency to increase the number of retailers of spirits by increasing their profits. The price of a glass of rum ever has been and ever will be the same. The retailer of gills will reap the benefit of the reduction of the tax, and not the consumer; and who does not know that, if you increase the number who sell rum, you will increase the number who drink it.

Reduce the tax on foreign spirits, Mr. Chairman, and the importation of the article will be proportionably increased. The greater the quantity of foreign spirits which is brought into the country, the less demand there will be for domestic spirits.

Now, sir, suppose you destroy an important market for

the produce of the farmer, by prostrating your manufacturing establishments, as in my judgment you will, if you pass this bill without some material modifications; and suppose, by flooding the country with foreign spirits you materially lessen the price of domestic spirits, is it not manifest that the price of coarse grain must also fall? Until public opinion shall be brought to bear against them, domestic distilleries will be kept in operation; but it will be at the expense of the farmer. He alone must pocket the loss which must follow the reduction of duties on spirits as proposed by this bill.

If men will drink spirits, let those reap the benefit who are the most useful to their country.

Sir, if this bill were otherwise unobjectionable, the reduction of duties which it proposes on many important interests, are altogether too rapid and unwarranted by any state of things which now exists. Can it be possible that the people of this nation require such a bill at our hands? Can it be possible that the people of the North would sanction its passage if they could be convinced that millions of property would fall a sacrifice to the unjust operations of such a bill? All the gentlemen from the South, with whom I have conversed on this subject, have expressed to me a perfect willingness to have the reduction of duties so gradual, as to meet entirely the views of all reasonable representatives of the manufacturing interests. They say, on this subject, that all they desire is, an assurance on the part of this Government that the duties shall, in a reasonable time, come down to the just wants of the Government. And are two or three years a reasonable time? Can it be possible that the leading manufacturing interests of this country can meet so important a change in our legislation as is proposed by this bill, and survive the shock? I consider it altogether impossible; and I think this feature in the bill is alone a sufficient objection against its passage.

I will now notice a few observations made by some gentlemen who have preceded me in this debate, and I have done.

A gentleman from Pennsylvania [Mr. Denny] stated, a few days since, that "instead of lowering the duties on imports, he would raise them higher." Precisely such language as this have the manufacturers used for several years past; and it is what, in my opinion, has brought them to their present perilous situation. Until lately they never have been satisfied with the protection which the Government have, from time to time, afforded to them. They have been constantly endeavoring to "raise the duties higher." And now, sir, a reaction is about to take place which they begin to fear, and which I fear, will entirely prostrate their establishments. For when a reaction in public sentiment does take place on any exciting subject, among a people like ours, it is always difficult to prevent its operating in the opposite extreme. In my opinion the manufacturers have heretofore asked too much. Had they been satisfied with the law of 1824, there is good reason to believe that the present state of things would not have existed.

I will now notice a remark by a gentleman from Maryland [Mr. Jenifer] in relation to New York. I should have let it pass unheeded had he not repeated the sentiment in his published speech, which I read this morning. The gentleman, speaking in relation to the inequalities so manifest in this bill, asked the question, "Who then will be satisfied? New York; provided she ensure by it the accomplishment of her ulterior object." The gentleman had better not have made this expression. It was quite unnecessary and uncalled for. I can tell him he knows nothing about New York, her public men, her State policy or measures. I was at a loss to ascertain his meaning until it was explained by the gentleman from Georgia [Mr. Wilde.]

He something more than intimated to us that this ulterior object was the election of a president from the State of New York. That the delegation from that State should vote on this great question, not as they should think right and just as honest men, but with a view to this ulterior object. To the gentleman from Georgia I have nothing to say. He had made an explanation in relation to this subject, which, as I understood, was satisfactory to my colleagues. But to the gentleman from Maryland I must be permitted to observe, that he who is in the habit of imputing improper motives to others, is very likely to be governed by such motives himself.

There was one other remark, however, which fell from the gentleman from Georgia, to which I feel bound to reply. He stated, if I understood the gentleman, that "if those in whose power it was to settle this question, should now fail to do it by their votes, the settlement of it might fall into other hands—the South and the high tariff men of the North might arrange this matter, and thereby obtain their ulterior object." Be it so, sir. It would not be the first coalition that I ever witnessed. At the last presidential election, in the State which I have the honor in part to represent, a grand coalition was formed to effect a political purpose. But, sir, the sovereign people did not see fit to sanction the bargain.

Not one hundred years ago, a coalition was formed in that grand assembly of "learned doctors," to which the gentleman made some allusion. The dissection of a living subject was the grand object of that coalition, formed as it was of such repulsive materials. Every body had heard or read the result of that unnatural union. And such ever will be the result among a people who are virtuous and intelligent. Managers may make bargains, but unless they are founded upon correct principles, the people will never sanction them.

Mr. Chairman, said Mr. W., I am opposed to this bill with its present provisions. I cannot think that I should be in the discharge of my duty in voting for it, without very material modifications of it. I most honestly believe that a large share of my constituents would not be satisfied with it. The South, in my opinion, ought not to require it of us. This great question cannot be settled by one Congress. We have already done much, and the next Congress will undoubtedly do more. It is not the work of a moment. No human foresight can predict the effects of the bill of last session upon the agricultural, commercial, and manufacturing interests of the country. I do verily believe that this question can be settled by the moderate men of all parties, in a manner that will give entire satisfaction to the liberal and moderate portion of the community. But, sir, I fear it cannot be done at the present session of Congress; and, in my judgment, it ought not to be required or expected of us.

I have no hope of ever satisfying the high tariff men of the North, nor the high toned, sensitive politicians of the South. The former, so far from relinquishing any portion of the protection which they have heretofore enjoyed, have been constantly pressing for higher and greater protection. The latter never will be satisfied with any other course of policy than such as will, in my humble judgment, utterly ruin and prostrate some of the most important interests of the nation.

Mr. WILDE, of Georgia, further explained a speech which he had formerly made, and which appeared to him to have been generally misunderstood.

Mr. LEAVITT, of Ohio, said, it had been his wish, at an earlier period of this debate, to have presented to the committee some of the views which he entertained in relation to the bill under consideration. But, such had heretofore been the great pressure upon the time and attention of the committee, that he had not ventured, until now, to obtrude himself upon its notice. In rising at this time to participate in this debate, said Mr. L., I am fully aware that I labor under great and manifold disadvantages.

The pending bill has been under discussion for several weeks, and has been very fully and elaborately debated. The whole field of argument has been explored; and, he that would now address the committee, on this subject, will find himself embarrassed by the consideration, that much of what he had deemed it proper to say, had already been urged by those who have preceded him in debate. But, notwithstanding all these discouraging circumstances, I feel myself called upon to state some of the considerations which have induced the conclusion that I cannot yield my assent to the passage of this bill, with the provisions which it now contains. Representing on this floor a district as largely interested in the maintenance of a well regulated and judicious tariff as any other west of the Ohio, I should, perhaps, be obnoxious to the censure of those who have honored me with a seat here, were I to remain entirely silent on this interesting occasion. But, sir, I will give the committee the consolatory pledge, that in the remarks which it is my purpose to submit, I will be as brief as the nature of the subject will permit.

In submitting my views of this bill, it is my intention, Mr. Chairman, studiously to avoid any remarks having a tendency to increase the exacebration of feeling which but too obviously exists as between some gentlemen on this floor, from certain opposite sections of the Union. I am sure I need not make the protestation to those gentlemen from the anti tariff States who feel an interest in the passage of this bill, and with whom, upon this occasion, I am constrained, by a sense of duty, to differ, that in arriving at the conclusion which I have announced, I have been influenced by no feeling of sectional hostility, or sectional prejudice. In truth, sir, the only consideration which has created any feeling of regret on my part at the course I am about to pursue in regard to the pending measure, is, that it involves a diversity of opinion and action between myself and some gentlemen in this House, with whom it has heretofore, on most occasions, been my good fortune to agree, and for whom I entertain the highest respect. But, sir, I should be unworthy of the responsible trust which has been confided to me by my constituents, were I to allow myself to be swerved in my course here, by any such consideration as that to which I have just adverted.

After having carefully examined the provisions of this bill, and anxiously deliberated upon it, in all its aspects and bearings, I have come to the conclusion, that whether we regard the amount, and the adjustment of the duties upon imports which it provides, or the time at which Congress is called upon to act, it is unfit and inexpedient that it should receive the sanction of this House.

It is not my intention, Mr. Chairman, to go into a full or elaborate examination of the details of this bill. This has been so ably and so satisfactorily attended to by other gentlemen who have gone before me in this debate, that I should hold myself unpardonably intrusive upon the committee, were I to attempt it. There are, however, some items of the bill with which the interests of my immediate constituents are intimately connected, and which I shall specially bring to the view of the committee, for the purpose of showing, that the protection proposed to be extended to them is altogether inadequate and insufficient. But, before I proceed to do this, and as necessary to the correct understanding of my views as to the measure now under consideration, I must be permitted to present a very brief and general outline of my opinions of the protective system. And in the first place I would remark, that I have never doubted but what it was within the constitutional competency of Congress, in the adjustment of duties upon imports, to afford protection and encouragement to the domestic industry of the nation. It has always appeared obvious to me, that this authority was clearly embraced in the delegation of power to Congress to lay and collect taxes, duties, &c., and to regulate commerce with foreign nations. The fact that such has been the construction given to these constitutional provisions, by all the departments of the Government, from its earliest history, would seem to supersede the necessity of any argument to prove the legitimacy of the exercise of the power in question. In my reflections upon the protective system, I have therefore been unembarrassed by any other considerations than those connected with its expediency. And, upon this point, I have long since arrived at the conclusion, that it was the true policy of the Government to extend its fostering aid and support to all such manufactures as could be successfully introduced and sustained in our country. Among these, those that should stand most pre-eminently meritorious, are such as are necessary to our national defence in time of war. But, sir, while I have thus entertained the opinion, that a well regulated and judicious system of protection was essentially conducive to our national prosperity and independence, I have not doubted, but it might be carried to an extent that would be productive of pernicious consequences. This system should never be tolerated to such an extent as that it would produce an unnatural or a hot-bed growth of manufactures, or allure the rich capitalist or restless speculator, to invest his funds in the business of manufacturing, with a view to the realization of enormous profits, or the rapid accumulation of large fortunes. But that degree of protection which is necessary to enable our manufacturers to compete fairly with the foreigner, and which shall enable them, with the aid of competent skill, and assiduous attention to their business, to realize fair and reasonable profits, ought to be afforded them. It is not to be denied, but what Great Britain, the great work-shop of the world, possesses many and important advantages over the United States, as a manufacturing nation. It has been her settled and unwavering policy, for ages past, to extend governmental protection to her manufacturing interests. Her tariff of duties upon articles coming in competition with her own fabrics, is prohibitory in its character. Her manufactures thus protected, and the skill of her artists, matured by time and experience, have attained a state of high perfection. But, this is not all: from the density of her population, and the nature of her Government, a large class of the people are in a state of degrading dependence and want, that leaves them no alternative, but to labor for the scantiest pittance, or perish with starvation. Hence, the price of labor in that country is much reduced below what it is here, where all are left free to pursue their own interests, and their own inclinations, in regard to their pursuits and occupations. In addition to all this, the abundance of capital in Great Britain, gives her a most decided advantage over us, in the business of manufacturing. Capital there is worth not exceeding four per cent., and the rich and lordly owners of it, who invest it in manufacturing establishments, may well be content to realize that amount of profit from it. But, in this country, to the owner of a few thousand dollars, such an investment, with the prospect of such a profit, holds out no strong allurements. So far, then, as protection, in the form of duties upon foreign imports, is necessary to compensate our manufacturers for the disadvantages under which they labor, in contrast with those of Great Britain, to that extent, and that extent only, should it be afforded by the Government. There is one other reason, to which I will briefly advert, which makes the protective policy, in this country, the more necessary. I allude to the commercial restrictions of Great Britain. Not only does she protect her manufacturing interests by high and prohibitory duties, but she also protects her agriculture by the exclusion from her ports of all such articles as she can produce. Hence, all the staple productions of the grain-growing States of the Union are as effectually shut out from her markets, as if the "fast anchored isle" was surrounded by some impassable barrier.

Without going more at length into the consideration of the protective system, a subject which has been exhausted and worn threadbare, by discussions here and elsewhere, I must adopt the conclusion that to the extent which I have indicated, it is in accordance with the best interests of this nation. Such, sir, was the opinion of those eminent patriots and statesmen who participated in the councils and the legislation of the country, in the earliest periods of her history. That this policy, under proper restrictions, so wise, so just, and so judicious, has been perverted and abused by the intrigues and arts of ambitious aspirants for power, is but too obvious. Sir, it has been for the last twelve years so mixed up with the party strifes of the day, so blended with our presidential elections, so much used as a hobby for demagogues to ride into office, that it were not strange if the American people should now look upon it with doubt and suspicion. It is but a brief period since the doctrine was openly avowed and maintained by one sect of politicians, that the maintenance of a high tariff of duties, and system of internal improvement by the General Government, were indissolubly connected; and that, like the Siamese twins, if the band which connected them were severed, the destruction of both must unavoidably follow. By this theory, the people were to be taxed without special reference to the protection of the home industry of the nation, that millions might flow into the treasury, to be afterwards expended on objects of internal improvement. This, sir, was, at one period, the true meaning and interpretation of those cabalistic words, the American System. But this system, thus understood, however plausible, splendid, and imposing it may have been; with whatever fascinations and charms it may have been bedecked by popular declaimers; to whatever height its ephemeral popularity may have attained; has received the stamp of popular disapprobation; and they who claimed the honor of its paternity and its advocacy, have failed in the accomplishment of the ends which it was their purpose, through its agency, to achieve.

But, Mr. Chairman, whatever may be the opinions of gentlemen as to the expediency of the protective system, I maintain that a due regard to the obligations of justice, and the plighted faith of the nation, forbid that we should now treat it as an original question of public policy. It is our duty to look upon this subject with a special reference to the existing state of things; to that state of things which our past legislation has produced. Under the several acts of Congress, intended to foster and encourage domestic manufactures, by affording incidental protection to those interests, in the adjustment of duties on foreign imports, we have virtually declared to our citizens, that this was, and would continue to be, the settled and permanent policy of the country. Sir, what has been the effect of this? In one portion of the Union, the pursuits and occupations of its people had been almost exclusively commercial; but the effect of our restrictive system has been to drive them from the ocean, and compel them to embark in manufactures. Under the policy which has so long received the sanction of the Government, they have changed their pursuits, and have invested millions of capital in manufacturing establishments. This is more especially true of New England than any other portion of our country; but it is true, to some extent, in relation to other parts of the Union. Even in the Western country, manufacturing interests have grown up that are by no means inconsiderable in their extent and importance. In my view, therefore, if it were even conceded that this protective policy was unwise in its origin—if it were admitted that the true interests of the nation would have been more effectually promoted by the opposite system, still, sir, we are not at liberty to shut our eyes to the state of things which it has produced. We cannot, we ought not, consistently with any principles of just and rightful legislation, to violate those implied pledges of continued protection which we have made to the country. Such a course, there is every reason to believe, would have a most disastrous effect, and sensibly impede our onward march in the path of national prosperity. To illustrate my ideas as to this matter, permit me to suppose the case of a human being, laboring under a state of excessive, painful, and dangerous tension. Sir, what would be the course of the skilful, judicious, and scientific physician who should be called upon to proscribe for such a patient? Would he by powerful remedies and ministrations, suddenly reduce his patient from this high state of tension, to the opposite extreme of hopeless relaxation? No, sir; it would be his object, by medicines and applications cautiously administered, to reduce him to the medium standard of healthful action. So, sir, in regard to our protective policy; if it has been carried too far, if its cords have been too tightly drawn, it should be our object to apply the remedy with great caution, and, by a gradual relaxation, to place it upon its proper footing.

Although I had not anticipated that the present Congress would be called upon for any further action on the tariff, yet, when, at the commencement of this session, the subject was introduced, and a reference of it made to the Committee of Ways and Means, I had hoped they would have pursued the course which I have just indicated. I had hoped they would have carefully examined the tariff act of last July, and that so far as it should be ascertained a reduction of duty upon the protected articles could be made, below the standard fixed by that act, without sacrificing our manufacturing interests, they would have done so; and, by such reduction, and the needful reduction upon the unprotected articles, have reduced the revenue to such a sum as might be thought necessary to supply the demands of the Government. For myself, sir, I am strongly inclined to the opinion, that experience will prove that reductions may be made below the rates fixed by the act of 1832, consistently with a due regard to the interests of the manufacturer; and that such an adjustment of this subject may be made as will be satisfactory to all parties. But I regret to say, the bill before us utterly fails to accomplish this purpose. I cannot but view it as entirely disregardful of the fate of some of the most important and essential manufacturing interests. I view it as, in many respects, anti-protective in its character and features. Probably such was the view of the anti-tariff gentlemen on the committee, who concurred in reporting this bill; though, sir, in relation to my friend from Pennsylvania, [Mr. Gilmore,] who is friendly to the protective system, and who also concurred with the majority of the committee, I doubt not but he honestly entertains the opinion that this bill gives sufficient protection to the manufacturing interests. But, although I have for that gentleman the highest regard, and believe that for patriotism and integrity of purpose he has few superiors, yet I am constrained to differ with him as to the effect and operation of the bill before us.

I have already intimated that I did not design to examine this bill in all its details. It would be inexcusable in me to fatigue the committee by such a course. I must however, be permitted, in a few words, to call the attention of the committee to the subject of wool and woollens, and the protection proposed to be afforded to them by the bill under consideration. It will be borne in mind, that, by the act of the last session, which made a very material reduction of the duties upon these articles below the act of 1828, a specific duty of four cents per pound, and an ad valorem duty of 40 per cent. upon all wool costing over eight cents the pound, is imposed. By the bill reported by the Committee of Ways and Means, the specific duty upon this article is entirely abolished, and the ad valorem duty reduced ultimately to 15 per centum. And on woollens it is proposed to leave the duty, ultimately, at 20 per cent. I do not forget, Mr. Chair-

man, that the amendment submitted by the gentleman from New York [Mr. WHITE] proposes an increase of five per cent. upon each of these articles, and extends the period within which the reductions are to take effect. If this amendment shall prevail, the duty upon wool will remain permanently at twenty per centum; and on woollens, at twenty-five per cent. I apprehend it will require no argument to prove that, for the purposes of protection, these duties will prove wholly insufficient and inadequate. In support of this position, it is only necessary to advert to the fact, that even the high duties imposed by the act of 1828, have had but little effect in checking the importation of these articles. In reference, then, to the duties proposed by the present bill, the naked question presented is, whether the great interests of wool and woollens are to be utterly abandoned and left to the fate which inevitably awaits them, if this bill shall become a law. It seems to me, that whether we regard these interests as intimately blended and interwoven with the agricultural prosperity of the country, or as connected with the national defence in time of war, they are entitled to our special favor and regard. In looking into the various provisions of the bill before us, I find that an ample and adequate duty is retained on iron. I presume the committee, in thus providing for the iron interest, were governed by the consideration, that this metal was essential to our military defence. Let me ask, if upon the same principle, the wool and woollens interest are not entitled to favor and protection? We are told, that in war, guns and swords are necessary, and that we must not be dependent upon foreigners for these. But, sir, it will be in vain that you furnish your soldiery with arms and ammunition, and all the accoutrements of war, unless you also have the necessary clothing wherewith to protect them from the wintry blasts and the cold and "pitiless pelting of the storm." In whatever view, therefore, I look upon these interests, whether in respect to their great magnitude and value; their intimate and vital connexion with the agricultural prosperity of the nation; or their relation to our national defence and independence, I cannot but feel some surprise, that the committee should have proposed a duty that must result in their total sacrifice and prostration.

But, waiving any further consideration of the details of this bill, I repeat, that, believing its passage would be pregnant with the most fatal consequences to some of the most important agricultural and manufacturing interests of the nation, unless in its progress through this House it shall be materially modified and amended, I shall not feel myself at liberty to vote for it.

I will now proceed to state some of the views which occur to me, illustrative of one of the positions which I assumed in the outset of my remarks; namely, that this is not the appropriate time for action, on the subject of the tariff. I am free to express it, as the strong conviction of my mind, that the gentlemen from the South, and their free trade friends from the North, ought not to have brought this subject before Congress at this session. I make this declaration, wholly uninfluenced by any feelings of prejudice or hostility towards the South. It is, I fear, but too true, that this feeling does exist, to no inconsiderable extent, between the Eastern and Southern portion of our country—but, for myself, I protest that I have none of it. I had lived, almost from the period of my infancy, in the Western country, and possess, I hope, some portion of that liberality of feeling, which so honorably distinguishes the great mass of the population of that prosperous and flourishing section of our Union. Occupying this position, I am constrained to say, that in my opinion the South ought not to have asked that the subject of the tariff should be agitated at this session. I am not unadvised of the state of feeling which exists in that section, in regard to the protective policy; nor have I been an uninterested spectator of what has been passing there. The voice of complaint and of discontent, which has come to us from that quarter, has not been unheard by me. I have been disposed to give it a respectful audience, and to pay it a respectful attention, without inquiring too astutely, whether the grievances complained of were fancied or real. In this spirit, I approached the consideration of the modification of the tariff, at the last session, and gave my vote for the bill which then passed. I voted for it, as a measure conciliatory in its character, and as making no inconsiderable concessions to the South. And, may we not justly infer, from the strong vote it received from gentlemen representing the South, that they too considered it in this light? The provisions of that act, in contrast with those of the act of 1828, are highly favorable to the South. It is estimated, that the operation of the act of last session will result in an aggregate reduction of the duties on imports, to the amount of nearly eight millions per annum. And, among the articles upon which, by that act, the greatest reductions are made, is the cloth of which negro clothing is made, and negro blankets. These are permitted to come in under a mere nominal duty—a duty of five per cent. Sir, will gentlemen contend that this is no boon to the South, no mitigation of what they are pleased to call the oppressions of the tariff? I well remember with what feelings of high gratification the passage of the act of the last session was received, not only by myself, but by gentlemen opposed to the protective policy, and representing anti-tariff States. I rejoiced upon that occasion, because I had, as I thought, the best reason to believe, that while that act would afford competent protection to the manufacturing interests, it would allay the discontents, and quiet the excitement in the South, and restore once more the disturbed harmony of the country. That act passed both Houses of Congress by an almost unprecedented majority; and, as it regards the vote in this House, one strong item of testimony in favor of the justness and fitness of the arrangement of duties which it provided, is to be found in the fact, that the negative votes upon its final passage, are made up of gentlemen who belong to the extremes of the two parties on the tariff question; of those who may be called the highest toned friends of the tariff, and of those, who, both upon the grounds of constitutionality and expediency, are its unyielding and uncompromising enemies. But, again, sir, it should be borne in mind, that this subject of modifying the tariff was then laboriously examined, and amply debated in this House, and also in the Senate. It occupied the almost undivided attention of Congress for many weeks—and, every gentleman here can bear witness of the arduousness of the duties of this House during that period. None will have forgotten how, day after day and week after week, we were doomed to encounter the noxious, I was going to say pestilential atmosphere of this Hall, when within it; and without, the burning rays of an almost midsummer sun. But the bill did pass, and became the law of the land, though made to take effect on the 2d of March next, a day to which we have not yet been brought in the revolution of time.

Sir, it is under these circumstances that we are again called upon to act on the subject. The law of last session making very material changes in the tariff law, sanctioned and passed by the very members who are now present, has not yet gone into operation. And we are now called upon to pass another act, making further and still greater alterations in our system of laying duties on imports. In view of all these facts and considerations, am I not fully justified in the assertion that Congress should not have been called upon for its action on this subject, at this session? Is it not due to the people, is it not due to the character and standing of the Congress of the United States, that the act of July 1832 should be permitted to

take effect, to the end that we may have a practical illustration of its bearing and operation, not only upon the manufacturing and agricultural interests of the nation, but upon its revenue?

I am aware that the expediency and necessity of the measure under consideration, is urged and vindicated upon the ground that the national debt being nearly extinguished, the act of the last session will produce a greater amount of revenue than the ordinary demands of the Government require. We are told that the people may be relieved from the payment of a heavy amount of taxes by the passage of this bill, and it is strongly and plausibly commended to our favorable consideration, by the adduction of this argument. It is not my purpose to detain the committee with the inquiry, whether the duties paid upon foreign imports are justly to be considered as taxes upon the consumer, or whether the people are not amply compensated for their payment by advantages which accrue to them, as indirect consequences of such payment. Nor will I enter upon any examination of the debateable question, whether the reduction of duties upon imports will decrease the revenue of the country. These interesting subjects have been amply discussed by other gentlemen, in the progress of this debate; and to say any thing respecting them, would be only to repeat what has already fallen from others. But may I not inquire whether it be practicable for any one, no matter what may be his financial experience, attainments, and talents, to estimate, with reasonable certainty, what amount of revenue the act of last year will produce? I am aware that the Secretary of the Treasury, (whose qualifications for the elevated station which he occupies, no one can more highly estimate than myself,) supposes there will be a large surplus in the treasury at the end of the current year; and the enlightened committee, from whom the bill before us has emanated, have made known their concurrence in the views of the distinguished gentleman, at the head of the treasury. But with all due deference, I would suggest, that, from the fluctuations of trade, and consequent uncertainty as to what may be the amount of imports—from the impossibility of foreseeing what contingencies and events may happen, calling upon the Government for extraordinary expenditures—and more than all, the difficulty of determinining with accuracy, what may be the practical operation of a law not yet in force, and concerning which we can have no experimental knowledge, are considerations which might, at least, justify a doubt, whether the Government will be encumbered with the anticipated surplus in the treasury.

The argument, therefore, in favor of an immediate reduction of the tariff, predicated upon the supposition that the bill of last session is to give us a redundant treasury, is not, to my mind, conclusive or satisfactory. Is there, then, any other fact or consideration, which calls upon this Congress at this session, to adopt the anomalous course of reviewing and repealing a law which was enacted by it, after great deliberation, so late as the month of July last, and which has not yet taken effect? I am aware that the State of South Carolina, acting in her sovereign capacity, "has adopted measures to nullify not only the act of last July, but all other laws for the imposition and collection of duties. I am aware too, that she threatens to put her nullifying machinery into operation, with all the "pomp and circumstance of war." But certainly no gentleman is prepared to admit that this sort of military demonstration, this "peaceable" process of nullification, ought to induce Congress to pursue a course in relation to the tariff, different from what they would have done under other circumstances. If the tariff is now reduced, in pursuance of what may justly be called the dictation of South Carolina, will it not be to sanction the legitimacy and efficacy of the course she has adopted, and to make nullification triumphant? Sir, it was but a few days since, that at a public meeting in South Carolina, it was openly avowed by a prominent orator and leader in the ranks of the nullifiers, [Colonel Preston,] that the bold stand which that State had taken against the tariff had caused Congress to pass the act of last session, and had been the means of inducing the Secretary of the Treasury to recommend a further reduction of six or eight millions. And what, sir, would be the language of the orator, if we were to pass the bill now before us? Would it not be ascribed to the fear of nullification; and would not the people reproach us with having pursued an extraordinary course of action in our legislation on the tariff, under the influence of this fear?

But we are told that, leaving South Carolina wholly out of view, justice to the other Southern States which do not sanction the course of that State, demands at our hands the immediate adoption of the measure under consideration. Sir, I cannot admit the legitimacy of this conclusion. Let gentlemen from the South view this subject candidly and dispassionately, and I think they will concede, that, in pressing the passage of this bill at this time, they are asking more than strict justice will warrant. Let them bear in mind what they have already achieved, in their efforts to modify and mitigate the protective policy, and what has already been yielded to them by its friends and advocates. Let them reflect, that the prosecution of an extensive system of internal improvement by the General Government is no longer considered a part of its settled policy, and is not likely hereafter to afford a pretext for drawing money from the pockets of the people, to be expended for those purposes. Let them moreover bear in mind what they have gained by the passage of the tariff act of last July: and, lastly, let them remember, that gentlemen on this floor, of all parties, and from all quarters of the Union, have united in avowing the opinion, that the revenue of the country ought not to exceed the wants of the Government, administered upon just and economical principles. It seems to me the South ought to be well satisfied with this state of things, and has no right either to ask or expect of the Northern, Middle, and Western States, a total sacrifice of their vital interests. Sir, I believe there is no such irreconcilable diversity of interests between the different sections of this Union, as that they cannot all exist and be prosperous under the same system of legislation. If the subject of adjustment of the tariff shall be approached at the proper time, and in the proper spirit—in the spirit of compromise and conciliation—I doubt not but it may be settled upon a permanent basis, in such a manner as that, while the great agricultural and manufacturing interests of the nation shall be adequately sustained, the South shall have no cause or pretext for complaint.

In conclusion, I repeat that I cannot yield my assent to the bill before us, for the reasons before indicated, that the adjustment of duties which it contemplates, is unsatisfactory and exceptionable, and because this is not the accepted time for action upon the subject. A new Congress is about to come into existence under the recent apportionment of representation. Its members will assemble here, bearing with them the will of the people on this important subject. The tariff act of last July will then have gone into operation, and its practical effects upon the interests of the manufacturer, and upon the revenue of the country, will have been tried by the unerring test of experience. In short, sir, they will be able to act upon this subject under circumstances highly auspicious to its satisfactory adjustment, and will dispose of it, I trust, in such a manner as that the peace and harmony of our country shall be restored, and our glorious and happy Union perpetuated for ages to come.

Mr. WICKLIFFE rose to say he declined making a speech on the bill. He said he would explain his course to his constituents in the form of a circular, on his return

home; and in the mean while remonstrated with the committee on the delay of public business, by endless discussion on general principles involved in the bill.

Mr. DRAYTON fully concurred in these remarks. He had desired to reply to some of the speeches in favor of Mr. APPLETON's amendment, but would waive that purpose, and hoped other gentlemen would follow the example.

Mr. ADAMS then rose and said that he had some days since given notice of his determination, after the friends of the bill should have had an opportunity of rendering it as perfect as they could, to move to strike out the enacting clause; he would now fulfil his purpose, and would move that the enacting clause of the bill now before the committee be stricken out.

He would offer a few words in support of the motion. The merits of the bill, as well as its demerits, had been very fully argued, and he would not repeat what had been so well said by others. It was his opinion that neither this bill, nor any other at all resembling it, should pass at the present session of Congress. There was one idea which he had not heard suggested by any gentleman, and which was a decisive reason with him why the bill ought not to become a law. The bill would not, as it seemed to be calculated by many, reduce the amount of the revenue, but, on the contrary, greatly increase it. To reduce the revenue was the professed object of the bill. The reasons for passing it had been assigned, first by the President in his message to Congress, then by the Secretary of the Treasury in his report, and lastly by the Committee of Ways and Means. But the President himself had recommended the measure conditionally only; if it should be found upon examination that the existing protection on certain commodities manufactured in the country was excessive, that is, that it was greater than the good of the country required, that then a bill should be passed to reduce it. Had such an inquiry been instituted? It had not. No inquiry had taken place, and the House was consequently in possession of no evidence to show that the present protection was excessive. If the House then should pass this bill, which went so materially to affect great and wide-spread interests of the country, without any previous inquiry, it would not be following the recommendation of the President, but the contrary. Mr. A. did not say that if such an inquiry should be made, and it should then appear that the protection was too great, that he should oppose a bill to reduce it; but the investigation was an indispensable preliminary, and the fact must first be established.

There was another reason why Mr. A. should vote against the bill. From a certain quarter of the Union Congress had a most solemn declaration, made in the name of one of the States of the Union, and addressed to all the other States, that the protective system should no longer be carried into effect within that State. In the address from the convention of South Carolina to the people of the twenty-three other States of this Union, communicated by the President, with his recent message to Congress, are the following passages. The convention, speaking in the name of the people of South Carolina, say:

"We have therefore deliberately and unalterably resolved, that we will no longer submit to a system of oppression which reduces us to the degrading condition of tributary vassals; and which would reduce our posterity in a few generations, to a state of poverty and wretchedness, that would stand in melancholy contrast with the beautiful and delightful region in which the providence of God has cast our destinies. Having formed this resolution, with a full view of all its bearings, and of all its probable and possible issues, it is due to the gravity of the subject, and the solemnity of the occasion, that we should speak to our confederate brethren in the plain language of frankness and truth. Though we plant ourselves upon the constitution, and the immutable principles of justice and interest to operate exclusively through the civil tribunals and civil functionaries of the State, yet we will throw off this oppression at every hazard. We believe our remedy to be essentially peaceful. We believe the Federal Government has no shadow of right or authority to act against a State of the Confederacy in any form, much less to coerce it by military power. But we are aware of the diversities of human opinion, and have seen too many proofs of the infatuation of human power, not to have looked with the most anxious concern to the possibility of a resort to military or naval force on the part of the Federal Government; and in order to obviate the possibility of having the history of this contest stained by a single drop of fraternal blood, we have solemnly and irrevocably resolved that we will regard such a resort as the dissolution of the political ties which connect us with our confederate States; and will, forthwith, provide for the organization of a new and separate Government."

And again, and in another passage, the convention still more pointedly say:

"We will not, we cannot, we dare not submit to this degradation, and our resolve is fixed and unalterable that a protecting tariff shall be no longer enforced within the limits of South Carolina. We stand upon the principles of everlasting justice, and no human power shall drive us from our position."

Now, with respect to the peaceful nature of this remedy, he never heard it spoken of but it reminded him of the first adventure of Gil Blas. Gil Blas had been furnished by his uncle with a sorry mule, and thirty or forty pistoles, and sent forth to seek his fortune in the world. He sat out accordingly, but had not proceeded far from home, when, as he was sitting on his beast counting his pistoles with much satisfaction into his hat, the mule suddenly raised her head, and pricked up her ears. Gil Blas looked round to see the cause of her alarm, and perceived an old hat upon the ground in the middle of the road, with a rosary of very large beads in it. This was the object which had startled his mule. At the same time he heard a voice addressing him in a very pathetic tone—"Good traveller! in the name of the merciful God, and of all the saints, do drop a few pieces of silver into the hat." Looking in the direction from which these sounds proceeded, he saw, to his great dismay, the muzzle of a blunderbuss projecting through the hedge, and pointing directly at his head. As he moved, this threatening muzzle moved also, still directed at his head. On looking more closely into the hedge, he perceived that it was supported on two cross sticks, and aimed by a figure having the air of an old soldier. Gil Blas, not much pleased with the looks of this very pious mendicant, hastily dropped some pieces into the hat, and clapping his heels into the sides of his mule rode off with all the speed he could from this peaceful solicitor of alms. This presented to Mr. A.'s mind one of the most perfect emblems of the pacific remedy of nullification he had ever seen.

But if it was indeed true, that nullification was intended as a pacific remedy, Mr. A. had this consolation, that the execution of the laws was also a pacific operation, and would continue to be such, as long as the resistance to it was pacific; so long as nullification was pacific, the resistance to nullification would prove to be pacific too, and so there could be no danger that force would be used at all. This was one reason why Mr. A. should vote against the bill. Gentlemen supposed that if it should not pass, there would be great danger of bloodshed; but there could not be the least danger of this, provided those who adopted the principles of nullification acted according to their professions and promises. It was not their purpose to resort to force; and as there would then

be no need of force to execute the laws, there would be no force in the matter, and, of course, no bloodshed. It was supposed that this very peaceable and friendly question might be settled without the intervention of force. Mr. A. wished it might; but he considered it of such a nature that the question ought to be settled. It ought to be known whether there were any measures by which a State could defeat the laws of the Union. For if there were, and the laws might be set aside at pleasure; we must seek for some other form of government to live under.

With respect to the doctrine of protection, South Carolina expressly declared that there should no longer be a protecting tariff. Now it was Mr. A.'s firm belief that protection to his rights and interests was the right of the citizen, and the duty of the Government. What was Government instituted for? For protection. He repeated the position, that protection was the right of the citizen, and the duty and obligation of the Government. It was, on the part of Government, a corresponding duty to that of allegiance on the part of the citizens; and if Government should wholly neglect it, the bond between it and the citizen was dissolved. The principle was, in fact, admitted by the nullifiers themselves, in the address they had published to the citizens of South Carolina, in which they called upon the citizens to support nullification by their allegiance, as an admitted duty. It was very true that that paper denied to the United States Government the right to claim any allegiance; it denied that any allegiance was due to the United States by any body. But that, he believed, was not the opinion of a majority of the committee. He was confident that they believed the constitution was made by "We the people of the United States." By way of parallel Mr. A. had placed these two documents side by side, and looked alternately at both. The first instrument began with these words: "We the people of the United States." Now he would ask gentlemen whether these words conveyed to their mind any idea or not? He was speaking to men of intelligence—to men of feeling. What impression those words conveyed to other minds, it was not for him to say; but, for himself, he could say that nothing short of divine inspiration conveyed to his mind an idea more sublime. How were the words used? They were the first, the opening words of the constitution; they designated the speaking parties; these parties it was who declared that, "in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

If ever there had been an assemblage of men whose aspect impressed the mind with the ideas of grandeur and of moral sublimity, it was these men, using this language.

By the side of this paper he then placed the other; and how did it commence?

"To the people of Massachusetts, Virginia, New York, Pennsylvania, North Carolina, Maryland, Connecticut, Vermont, New Hampshire, Maine, New Jersey, Georgia, Delaware, Rhode Island, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri:

"We the people of South Carolina, assembled in convention," &c.

Mr. A. compared the two; and how did they sound? In the second, he found, indeed, the same idea as in the first. The people of these twenty-four States were the very same people as those who spoke in the constitution; but where was the grandeur, the moral sublimity, that filled the mind when we read the words, "We the people of the United States?" To his mind it was gone. Indeed, when he read over this long list of names, all designating one people, it reminded him of the Spanish Hidalgo who knocked at the door of an inn at a late hour, and on a very dark night, and being asked his name, gave in five-and-twenty names, all of which belonged to him; but on hearing which, the innkeeper refused to open his door, declaring he had not room for one-half of all those people.

Did those words, "We the people" mean nothing? Did those who issued this instrument lie in the face of the world? Was there no such being in existence? If it were indeed so, then all the ideas Mr. A. had ever entertained must undergo an entire revolution. If the words meant any thing at all, they declared explicitly that that constitution was the work of the people of the United States. Who would deny it? Who could deny it, and not give the lie to that most majestic corporate body, and deny that it had any being?

Mr. A. had heard this Union called a confederacy of States; and such was the idea put forth in the South Carolina address. It did not address the people of the United States; it recognised no such people. The constitution, according to that doctrine, was the work, not of the people, but of their attorneys. It was said that the act was the act of the States, and that this was a union of States. That was, in one sense, true. It was a union of the people, and also a union of States. The convention of 1787 was the result of an act of the representatives of States; but, as it came from their hands, the instrument was nothing; it had no more force or value than a blank indenture, not sealed. It might as well be maintained that the attorney who drew an indenture was one of the parties to it, because he drew it. It was true that the States were also parties to it, because they had always been separate communities, and, after the establishment of the national independence, were still to continue so. That was the reason why the votes of the people were taken in separate masses, and not in one. It was more convenient; but it was not the State who gave force to the constitution. The convention sent the instrument to Congress, and asked them to submit it to the State Legislatures; but did the State Legislatures act upon it? No. And why? Because they could never use the language, "We the people." They were not the parties to it; they could not give it their sanction; they did not pretend to act upon it; they called conventions of the people to decide on the single question, and the people adopted the constitution, commencing with the words, "We the people." It had been the act of the people collected in separate communities, but forming one people, whose sanction alone gave to the constitution all its power. Even had the States, as States, unanimously ratified it, it would have been a dead letter until the people had acted upon it. In fact, it was in this very point that the difference lay between this instrument and the confederation. The nullifiers would have them to be one and the same. The confederation had been created by the State Legislatures and by Congress. They went on the principle that this was not a Government, but a confederacy. Therefore it was first made by the State Legislatures, and afterwards by Congress. The people had never acted upon it at all; they had no part or lot in making it; and it was because such an instrument was found, in practice, to be wholly inefficient, and that it would be impossible for the people of this Union to live happily or peaceably under it, that they went to work another way.

Here, however, Mr. A. said that he was wandering from the subject before the committee.

The position he had assumed was, that the Government was bound to protect the great interests, all the great interests of the citizens. Wherever any great interest existed in the community, there the protection of Government must, of right, be extended. But protection

might be extended in different forms to different interests. It was true that the interests of one portion of the community could often be protected only at the expense of some other portion of it. It was the complaint of the nullifiers that the Government took money out of the pockets of one portion of the Union to put it into the pockets of another. And, in extending protection, this must always more or less be the case. But then, while the rights of one party were protected in this way, the rights of the other party were protected, equally, but in a different way. He would illustrate this position.

In the Southern and the Southwestern portions of this Union, there existed a certain interest, which he need not more particularly designate, which enjoyed under the constitution and the laws of the United States, an especial protection peculiar to itself. It was protected first by representation. There were on that floor upwards of twenty members who represented what in other States had no representation at all. Mr. A. believed that it was not three days since he had heard it declared by a gentleman from Georgia, [Mr. CLAYTON,] that the species of population he now alluded to constituted the "machinery of the South." Now, that machinery had twenty odd representatives in that hall; representatives elected, not by the machinery, but by those who owned it. Was there any such representation in any other portion of the Union? Did the manufacturers ask for any representation on their machinery? He believed their looms and factories had no vote in Congress; but the machinery of the South had more than twenty representatives on that floor. And if he should go back to the history of this Government from its foundation, it would be easy to prove that its decisions had been effected in general by majorities less than that. Nay, he might go further, and insist that that very representation of which he had spoken, had ever been, in fact, the ruling power of this Government. Was this not protection? Was it not protection at the expense of another portion of the community? If it did not literally take money out of the pockets of some, and put it into the pockets of others, still it operated in precisely the same way. Yes; this very protection had taken millions and millions of money from the free laboring population of this country, and put it into the pockets of the owners of Southern machinery. Mr. A. did not complain of this. He did not say that it was not all right. What he said, was, that the South possessed a great protected interest—an interest protected by that instrument—[Mr. A. held the constitution in his hand.] He was for adhering to the bargain, because it was a bargain. Not that he would agree to it if the bargain were now to be made over again.

This interest was further protected by another provision of that same instrument.

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

What was this but protection to the owners of the machinery of the South. And let it be observed that a provision like this ran counter to all the tenor of legislation in the free States. It was contrary to all the notions and feelings of the people of the North, to deliver a man up to any foreign authority unless he had been guilty of some crime. And, but for such a clause in the compact, a Southern gentleman who had lost some article of his machinery, could never recover him back from the free States.

The constitution contained another clause, extending still further protection to the same interest. It guarantied to every State in the Union a republican Government.

"The United States shall guaranty to every State in this Union a republican form of Government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

This, to be sure, was a general provision, operating alike on every portion of the Union. But every body knew that, where this sort of machinery existed, the State was more liable to domestic violence than they were elsewhere, because that machinery sometimes exerted a self-moving power. Such a power had been exerted. The call for this protection had very recently been made, and it had been answered; and the power of the Union had been exerted to insure the owners of the machinery against domestic violence. Mr. A. would say one word more on this guarantee of a republican form of Government. It was a serious question in his mind whether that part of the constitution was not at this very time on the eve of being called into execution. He had no hesitation in saying that, if South Carolina were not at this moment under a Government not republican, she was at a very little distance from it. It deserved serious consideration, whether the ordinance of the nullifiers had not placed South Carolina without the verge of republican Governments. When he endeavored to reflect upon what the proceedings of South Carolina had been, and asked himself whether the power now operating there could truly be described as a republican Government, he felt himself unable to answer the question. He should not further enlarge on this point at present. But it was a serious question, and it deserved serious consideration.

Such was the protection extended by the constitution to a particular interest in this Union.

But that same interest was further protected by the laws of the United States. It was protected by the existence of a standing army. If the States of this Union were all free republican States, and none of them possessed any of the machinery of which he had spoken, and if another portion of the Union were not exposed to another danger, from their vicinity to the tribes of Indian savages, he believed it would be difficult to prove to the House the necessity for any such thing as a standing army. What in fact was the occupation of the army? It had been protecting this very same interest. It had been doing so ever since the army existed. Of what use to the district of Plymouth, which he here represented, was the standing army of the United States? Of not one dollar's use, and never had been. He would go further. The army was not of one dollar's value to the whole manufacturing interest. The persons engaged in manufactures were, and ever had been, most orderly and exemplary in their obedience to the laws. No army was necessary to keep them in order. Now the United States kept up an army of six thousand men. What to do? To protect the owners of this machinery, and to defend the settlers on our Western frontier. In what had it been occupied during the last summer? In protecting the factories? No. In suppressing an Indian war. The army existed only for the protection of the South and of the West. Of what value was it to those manufacturers or agriculturists, at whom the House was going to strike by this bill? There was not one among the poorest shepherds who tended their flocks on Mr. A.'s native hills, that did not pay his quota towards the support of this army. Was not this taking money out of the pockets of one, to put it into the pockets of another? Yet what was the ground of all the complaints? While the people of Massachusetts were spending their money to support the South and the West, what show of right had gentlemen from the South? He would do the members from the West the justice to admit that they said no such thing, but what right had the representation from the South to come on that floor, and tell them, "We will not submit to pay one single cent to protect you?"

But there was another great interest protected under

the constitution. He referred to the interest of commerce and navigation. The country had a navy, which was now costing it two or three millions of dollars a year. Of what value was this to the manufacturer, or to the wool grower, if they should reason on the narrow and contracted principle, that their personal interest was the only interest in the community for which they ought to care? On such principles, the navy was nothing to them. It might achieve as many, and as glorious victories as ever had been won by the wooden walls of the fast anchored isle: the manufacturer was not a cent the richer for them. But he was obliged to pay to support the navy, and to pay six or seven millions, including navy and army.

When he heard gentlemen talk about reducing revenue to the wants of the Government, he wanted them first to specify what are the wants of the Government. Protection, it seemed, was not one of them. Well; if they must withdraw protection from the free white labor of the North, then it ought to be withdrawn from the machinery of the South. Let them disband their army: this would go as far as four or five millions towards reducing the revenue to the wants of the Government. The next step was to abolish the navy; for why should commerce and navigation continue to enjoy protection, when it was withdrawn from the other interests of the country? Well; when this had been done, and Congress had been so very generous as to give away all the public lands, what, he asked, would remain for the General Government to do? Nothing. There would be nothing for it to do. The members might then withdraw protection from themselves by abolishing their pay, and there would be but one step more remaining, which would be to dissolve the Government. No Government would be needed. Let it go back to its original elements—let it go back to the States—let it go back to the confederation—go back to the people. This was the legitimate consequence of those arguments urged by gentlemen who would no longer submit to a system of protection.

Mr. A. might say, that his constituents possessed as much right to say to the people of the South—we will not submit to the protection of your interests; as the people of the South had to address such language to them.

There was another decided reason which operated with him against passing any bill whatever, upon this subject, at this time.

The House could not pass any bill that would not, of necessity, confirm the ordinance of South Carolina. No law upon this subject could, at this time, be enacted by Congress, but would be received and understood by all parties, friend and foe, to be the triumph of nullification. The State of South Carolina had said that the tariff law was null and void; and that it should not be executed within her limits. And Congress immediately replies, by declaring that that law should not be executed any where. Mr. A. admitted that such a proceeding might, for a moment, remove the question of nullification. But it would be for a moment only. Let Congress permit one State to declare that its laws should not be executed, and submit to have that declaration carried into effect, and they would soon have States enough tell them that the laws should not be executed within their limits. And, without intending any reflection on South Carolina, he might observe, that there were States in this Union, who, if they should say the same thing that South Carolina had said, might make it a much more serious question. And the House might take his word that they would have such language addressed to them.

Mr. A. was against the passage of any thing. He wished to see the question settled. South Carolina had made up an issue; she said she wished it settled peaceably. Mr. A. was for meeting her, and settling the question she had made. This Union was now tottering. It was tottering to its foundation, on the question whether a single State possessed the power to annul laws enacted by the whole Union. He averred that this was a question on which the continuance of the Union depended. It was a question that must be settled, and this was the time to settle it. There was no time in which it could be so fitly and so advantageously settled, as at this time, because those who raised the question declared their desire to be, that it should be settled peaceably. Mr. A. wished that it might be settled peaceably. He believed that it would be, because he believed that the nullifiers would not strike the first blow; and that the Government would be too wise and too cautious to do it; and if neither party struck the first blow, it must be settled peaceably. Either the laws would be executed, or the tariff annulled, and the protecting system destroyed. If that system should be destroyed, he would not say in what form the question would come up, as a question far more serious than was now made, and to be settled in reference to a different interest. At present, the interests of the South were protected, and superabundantly protected, by the provisions of the constitution. Let that protection be destroyed, and they would find their security put in question in a manner not so easily gotton rid of. The notion held out in favor of the bill was, that it was to allay discontents. And the chairman of the Committee of Ways and Means had delivered a very pathetic and very eloquent eulogium upon fear. Mr. A. had listened to it with great delight; but as he knew that gentleman to be an accomplished classic scholar, he would venture to remind him that there were other virtues besides fear, suitable for the exercise of a patriot and a statesman, on which as just and eloquent eulogiums might be pronounced. Among these was the virtue of fortitude—a virtue, which he was under a solemn conviction that every member of this House, and every intelligent citizen of this community, would at no distant day be called upon to exercise; in commendation of which he would refer the gentleman to a classic authority, which no one better understood, or was more qualified to appreciate. He alluded to the sentiment so eloquently expressed by the great Roman poet.

> Justum et tenacem propositi virum
> Non *civium ardor prava jubentium.*
> Non vultus instantis Tyranni,
> Mente quatit solida.

Mr. Chairman, said Mr. A., I ask the forgiveness of the committee for having detained them so long, and have nothing more to say.

Mr. JENIFER hoped the motion of the gentleman from Massachusetts would either be withdrawn or rejected, until the bill should have been further amended.

Mr. BARRINGER replied, with warmth, to the speech of Mr. Adams, deprecating any step that should go at once to test the strength and existence of the Government.

Mr. BURGES followed, and in the course of his remarks stated that he had a resolution which he wished to offer, limiting the operation of the bill of last session to eight years.

[Mr. DRAYTON, of South Carolina, replied to Mr. Adams, in a strain of great warmth, as having introduced topics that must inevitably excite the most hostile and even furious passions. He examined the positions which he understood to have been taken by Mr. Adams, and which he condemned, as worse than nullification itself.

Mr. ADAMS denied that Mr. Drayton had justly represented his argument.

The following is a substantial report of Mr. Drayton's remarks, though defective in some of the particulars upon which Mr. Adams touched in his reply a few days afterwards:]

Mr. DRAYTON said that, had it not been that the debate had taken an entirely new turn, and utterly inconsistent with the subject before them, he should have persevered in the silence which he had stated that he should maintain, so long as the bill was in committee; but to the

inflammatory remarks of the gentleman from Massachusetts he felt himself compelled to reply.

That gentleman, in the course of his argument, had introduced a topic of a particularly delicate and exciting nature, and discussed it in a manner which was calculated to engender the bitterest discord. He had thrown a firebrand into that hall. After expatiating upon the protection which is guarantied by the constitution to the various interests embraced within it, he told us that its protection was extended to the slaves of the South, and that if the protection required by the manufacturers and agriculturists of the North and East, to which they were equally entitled, should be withheld from them, as it would be by the passage of this bill, protection would be refused to the South; and they might take their own interests in their own hands. He [Mr. D.] was not certain that he had given the words of the gentleman from Massachusetts, (as he had taken no notes of his speech,) but he was satisfied that he had substantially expressed their meaning.

Mr. ADAMS here interrupted Mr. D., and said that he had said no such thing.

It being now five o'clock, Mr. WILLIAMS, of North Carolina, moved that the committee should rise; but the motion was overruled.

Mr. DRAYTON then resumed. The remarks had been made; and he repeated that they were, substantially, what he had said. He appealed to all who had heard the gentleman from Massachusetts, whether he had not expressed, or plainly implied, that protection would be withdrawn from the slave property of the South, unless the freemen of the North and East were protected by a tariff, which would not be the case if this bill should become a law. Had not language such as this a natural and necessary tendency to create discontent and inflammatory feelings, to excite a burst of indignation in the bosom of every one who heard it? If the intention of the gentleman from Massachusetts had been to rouse up those prejudices and passions, (which should be peculiarly excluded from a legislative body,) he could scarcely have accomplished his intention more successfully.

Mr. D. went on by observing, that well indeed might the gentleman from North Carolina [Mr. BARRINGER] pronounce this to be a spirit-stirring question, as the question presented by the gentleman from Massachusetts was, whether we were to remain as united States, or be broken into unconnected and hostile fragments, according to the rejection or the passage of a bill which, whether expedient or inexpedient, was clearly within the constitutional power of Congress to act upon; for no one will doubt the constitutional power of Congress to reduce the quantum of protection to the manufacturers, or the amount of taxation to be levied upon the people. Has it already come to this? said Mr. D. Are we now to choose between the alternatives of dissolving the Union, or of rejecting this tariff bill? Does the permanence of our free and renowned institutions depend upon our granting as many dollars and cents for the protection of domestic industry as its advocates shall prescribe to the legislature? He could not, Mr. D. said, and would not, believe that motives so degrading could operate upon the people in any section of the United States.

After a few remarks in reply to some observations of Mr. BURGES on the subject of the numerous persons who would be thrown out of employment in the event of the protection afforded to the Eastern manufacturers being withdrawn, Mr. D. proceeded to notice another part of the speech of the gentleman from Massachusetts. That gentleman had said that the bill had been introduced by the Committee of Ways and Means, from the apprehension of a coalition with the nullifiers of South Carolina. Mr. D. replied that this was not the first time that he had disclaimed, nor would it probably be the last time that he should disclaim the doctrine of nullification. He regarded it as a doctrine false in theory, mischievous in its results, and unsupported by any arguments which bore the semblance of plausibility. Reduced to practice, it was neither more nor less than revolution; its termination must be civil war, to be decided like all other appeals to arms—by the longest purse and the largest battalions. But, whilst we were told that apprehensions of the terrors of nullification had occasioned the introduction of the bill, was it not proclaimed by the gentleman from Massachusetts that we might expect to be visited by the vengeance of certain sections of the country, should they be deprived of that protection which they claimed as a constitutional right? But whether the South Carolina doctrine, as it is termed, was to be upheld or denounced, did not constitute the question before the committee. It was for us now to determine, whatever might be the course of South Carolina, whether the bill upon the table was a good or a bad one; whether the surplus revenue, which the Secretary of the Treasury informs us exceeds the proper wants of the Government by several millions, would not be reduced by it; and whether, therefore, for these, or for any other reasons, the bill which has been reported ought not to become a law.

The gentleman from Massachusetts, not content with asserting that the Committee of Ways and Means had taken counsel from their fears, had charged the members of this committee, who should vote for the bill, with being dictated to by their fears of South Carolina. Mr. D. did not believe that the vote of a single representative would be directed by so unworthy a motive as fear. What had an individual performing his duty here to apprehend? If fear did, in any degree, operate upon the minds of any members, it would not be the fear of offending, or of irritating South Carolina, but the fear of being suspected to be controlled in their votes by the menaces of South Carolina. A fear arising from this cause, which might unconsciously influence an honorable man, would be more likely to render him hostile than friendly to the bill. But the fear which the gentleman from Massachusetts had appealed to, was direct. He had alluded to what he supposed were the fears, the personal fears, of the slaveholders of the South; to the dangers with which they would be surrounded should the protection of the constitution be withdrawn from them; to the refusal of that protection by the North and East, should the protection to which they were constitutionally entitled be taken from them; to the spirit which would be called forth by the passage of this bill, among the manufacturers and agriculturists of the North, more to be dreaded than the nullification of South Carolina. The inference to be drawn from this declaration, Mr. D. presumed to be, that as the physical force of the North and East exceeded that of the South, it was, therefore, more to be dreaded, as it was more competent to effect its object. If this spirit could be excited by the passage of the bill; if it was to drive those who were inflamed by it to the desperate extremes which had been represented, then, according to the gentleman from Massachusetts, should this bill pass. The North and the East would no longer regard themselves as bound by the federal compact, and the Union would be dissolved.

Mr. D. appealed to the committee, whether observations such as these were not more reprehensible than the doctrines of South Carolina. Whether she was right or wrong in her assertion of the right of nullification, (and that he thought her radically wrong, he had never hesitated to avow,) her resistance to the legislation of Congress proceeded from the enactment of laws which three-fourths of South Carolina and of the Southern States believed to be unconstitutional, whereas the resistance with which we were menaced from the North and from the East, would be founded upon the passage of a law, the constitutionality of which they could not question.

Mr. D. would say a few words upon that part of the argument of the gentleman from Massachusetts which related to the protection afforded by the constitution to the South. In the second section of the first article of the constitution, a representative to Congress is granted to the Southern States for three-fifths of their slaves, and as an equivalent for this concession, they are liable to the payment of direct taxes, in a ratio apportioned to that representation. This was a compromise assented to when the constitution was adopted, and was one, among other instances contained in that instrument, of the mutual concessions and compromises, upon which it was established. As the South obtained a larger representation than their free population entitled them to, in return they were bound to discharge a proportionably greater share of direct taxation. These were the conditions of the compact. They were fairly and voluntarily entered into; they were considered to be expedient when they were ratified, and, at this day, none of the contracting parties have a right to complain of them.

As to the other species of protection, by the provisions of the fourth section of the fourth article of the constitution, upon which the gentleman from Massachusetts had so much enlarged, Mr. D. observed that this protection was rather nominal than real; that the Southern States placed no reliance upon it; that they were confident that they were able to protect themselves; and he felt assured that if they believed that the security of the tenure by which they held their slaves, depended upon the succor which they were constitutionally authorized to require from the Union, they would abandon all hope of retaining their slaves in subjection.

Mr. D. then commented at some length, and with considerable acrimony, upon certain passages in a report and resolutions of the Legislature of Mrssachusetts, relating to the bill before the committee; but having subsequently ascertained that the report and resolutions were inaccurately transcribed in the paper in which he had read them, and that they did not contain the passages which he had censured, we have, at his request, omitted to publish that part of his speech.

[On a subsequent day, Mr. D. took occasion to make an explanation in relation to the expressions used by him respecting language which he had erroneously understood to be contained in the resolutions of the Massachusetts Legislature, and which he afterwards discovered not to be in that paper; he fully retracted what he had said, and expressed, in very complimentary terms, his high regard for that State and her citizens.]

Mr. D., in concluding, said that he should not examine the details of this bill; that it never had been his intention to do so before the committee; that he had risen solely in consequence of some of the remarks of the gentleman from Massachusetts; and that in giving his vote he should be influenced by the provisions of the bill, and not at all by the situation of South Carolina; and he trusted that no members would be drawn from the path of their duty, by irrelative and inflammatory remarks, but that they would be led by those motives of justice and expediency which, as legislators, they were bound to obey.

Mr. ADAMS was about to reply, when

Mr. PATTON obtained the floor, but gave way for a motion for the rising of the committee.

And the House adjourned.

TUESDAY, FEBRUARY 5.

The morning business having been gone through, the House passed to the orders of the day, and again resolved itself into a Committee of the Whole, Mr. WAYNE in the chair, and resumed the consideration of the

TARIFF BILL.

Mr. PATTON, of Virginia, rose and said that he had not intended, until the evening before, to ask the attention of the committee to any observations of his upon the important measure now under discussion.

He did not now propose to enter upon any examination of the general principles of the American system. He concurred in the sentiment which had been expressed, and he believed was universally entertained in the House, that no argument, on either side, was likely to produce a change of opinion, either as to the constitutionality or unconstitutionality, the expediency or inexpediency, as a measure of national policy and justice, of that system. For ten or twelve years these questions, in all their aspects, had engaged the deliberations, not only of Congress, but of the people of the United States, and with continually increasing anxiety and solemnity. Those who were not by this time satisfied upon these questions, must be either above, or below, or beyond, the reach of argument.

In the progress of the discussion, not only hostility of interest, and consequent collision of opinion, between different classes of men, have developed themselves, but they have unfortunately assumed a sectional location, out of which have arisen geographical parties, who, pushing their opinions to extremes, have brought about a state of things which, in the opinion of cool, reflecting men, is more menacing to the peaceful continuance of the Union, than any which has ever existed since the establishment of independence.

So long, said Mr. P., as the discussion pursued the ordinary path, I, in common with most of those with whom I act on this subject, abstained and intended to refrain from contributing to a debate which, confined almost exclusively to the opponents of the bill, they seemed disposed, for reasons best known to themselves, to protract to an almost interminable length. Our course was to wait patiently until this tide of discussion should have an ebb, and avoid saying any thing that, by possibility, might tend to increase that excitement of feeling, so unfriendly to a peaceful and harmonious adjustment of this distracting contest, until some decisive indication was given by this body as to its intention to do any thing calculated to ameliorate the grievances of which the South complained.

The debate, however, has suddenly taken a new and unexpected turn, on the motion of the gentleman from Massachusetts, [Mr. ADAMS,] to strike out the enacting clause of the bill, a motion which, if successful, levelled a fatal blow at all prospect of conciliation and peace, and which he has thought proper to accompany with remarks of a character, uttered in a temper, and indicating a spirit, in my judgment, extremely unsuited to the occasion, the crisis in the affairs of the country, and the source from which they proceeded: remarks, which I concur with the honorable gentleman from South Carolina [Mr. DRAYTON] in considering as well calculated as any that could have been uttered, to throw a firebrand into our councils, to add fuel to a flame already burning too fiercely, and to arouse passions, and exasperate prejudices, which it ought to be the business of every patriot to do all in his power to extinguish, to allay, and subdue. Standing here as the representative in part of a State, which, by her Legislature, has so recently manifested, with almost unexampled unanimity, her desire to preserve peace, by entreating both parties to the impending conflict, to forbear from proceeding to extremities; which has expended so much blood and treasure in defending and maintaining the liberties of these States; and contributed so largely, both in council and in action, towards creating and preserving, and has so deep a stake in the continuance of this Union, it was impossible to suppress the expression of my surprise, regret, and alarm, at the spirit displayed so unexpectedly by the gentleman from Massachusetts.

For what purpose I know not, it has seemed good to

him to draw into this discussion topics which have nothing to do with the bill before this committee, and to invite us, by the course of his remarks, to enter upon that wide field of political metaphysics which, from another source, had been unfortunately spread out upon the political arena prematurely, unnecessarily, and, in my judgment, unwisely. I allude to the President's proclamation.

The gentleman has avowed opinions, in relation to one of those questions, which have thus been presented to the American public, involving some principles in relation to the origin and character of this Government, which the State of Virginia has uniformly and strenuously denied to be true, and which I feel it my duty, concurring, as I do, in this opinion, and since no other of her delegation have chosen to do so, not to permit to pass without entering my protest against, and making an humble effort to refute them. I shall confine myself to those topics which the gentleman has drawn into discussion, and will not enter upon any of the others connected with them in the document to which I have already referred; and for the full discussion of all the theories contained in which, a more suitable occasion will be afforded, in all probability, during the session.

The proposition which he asserts, in substance, is, that this Government is a completely sovereign Government, created by the people of the United States, as one people, and exercising its powers by the authority of the people, as one political community. And by what argument does he sustain this proposition? It is founded exclusively upon a part of the preamble of the constitution, "We, the people of the United States." And he says that, not to admit the truth of his proposition, is "to give the lie" to the express declaration of the constitution itself. Sir, it seems to me that a candid examination of this part of the preamble, as well as every other part of it, leads to an opposite conclusion; and that, to admit the interpretation contended for by him, is not only to pervert the obvious sense of the passage he relies on, but "to give the lie," to borrow the gentleman's language, to the whole preamble, to the article of ratification, and to the most notorious historical facts. This expression of "We, the people of the United States," was objected to by Patrick Henry, in the Virginia Convention called to consider of the ratification of the constitution, as justifying the inference that a consolidated Government was intented to be created. And he asked by what authority the convention had used the expression "We, the people," instead of "We, the States." He was answered by Mr. Madison, also a member of that convention, who had then recently been a member of the convention who framed the constitution, who had taken a prominent part in forming, and has since done more to rescue it from the perversions and misconstructions to which it has, at different times, been exposed, than any man living or dead. This is his language:

"Who are the parties to it? (the constitution.) The people; but not the people as composing one great body, but the people as composing thirteen sovereignties. Were it, as the gentleman asserts, a consolidated Government, the assent of a majority of the people would be sufficient for its establishment; and as a majority have adopted it already, the remaining States would be bound by the act of a majority, even if they unanimously reprobated it. Were it such a Government as is now suggested, it would be now binding on the people of this State, without having had the privilege of deliberating upon it. Should all the States adopt it, it will then be a Government established by the thirteen States of America, not by the intervention of the Legislature, but by the people at large."

I should be glad to know what is the difference between these two expressions, "we, the people of the United States," and "we, the people of the States united." Do they not express the same idea? Do they not both assert precisely the same historical fact, viz. that the union of the States was assented to by the people of the States, as such?

Let us look a little further into this preamble. What did "the people of the United States" propose to do? Why, to form a more perfect union, &c. Now, who ever heard of a union of people in a political association? The term union, applied to States, is intelligible and appropriate. It was, then, the people of the States who agreed to the union of the States. The whole amount of it was that they resolved to continue the union, which existed before under the articles of confederation, and to make that union more perfect. This union, it is admitted by the gentleman, constituted a mere confederacy; but the origin of both is the same; created alike by the authority of the States; their assent being given, in one case, by the State Governments; in the other, by the people of each State. And what was it that, in this last case, was created? a constitution for the people of America? a constitution for the people of the United States? No; neither; but, as the preamble itself declares, "a constitution for the United States." This was not a new name even for the Government; the first section of the articles of confederation declares that "the style of this confederacy shall be the United States of America."

This view of the question is fully sustained by an authority which, in Virginia, has always been regarded as entitled to the highest respect, and cannot fail to be so regarded every where, for the ability with which it treats of the origin and character of the Government, and the lucid manner in which it expounds those doctrines of constitutional construction upon which the republican party came into power in 1801. I beg leave to read a passage which places this matter, which I am now considering, in a clear light.

In support of that branch of the third resolution of 1798, which affirms "that the States are parties to the constitution," after enumerating the various senses in which the term "States" is used in the constitution, and, among others, that, "lastly, it means the people composing those political societies in their highest sovereign capacity," the report drawn by Mr. Madison proceeds thus: "In the present instance, whatever different constructions of the term "States," in the resolution, may have been entertained, all will at last concur in that last mentioned, because in that sense the constitution was submitted to the "States;" in that sense the "States" ratified it; and in that sense of the term "States," they are consequently parties to the compact, from which the power of the Federal Government results. This is, in truth, nothing more than a condensed statement of historical facts.

The article of ratification found at the close of the constitution seems to me to confute the interpretation for which he contends. The ratification of nine States shall be "sufficient for the establishment of this constitution between the States so ratifying the same;" not over the people of America, or over the people of the United States even, but between the States so ratifying the same. The charter itself thus, at the end of it, declaring, in unequivocal terms, its character, when formed, to be a government between States, as in the preamble it had deduced its own origin from, and declared its object to be for a union of States. Compare this article of ratification, and the preamble of the constitution, with the old articles of confederation. They are called "articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay," &c. &c., naming the whole thirteen; their style was, as before stated, "the United States of America." They were then, "articles of confederation and perpetual union between the United States of America;" and so this constitution was established "be-

tween the United States of America." I put it to any candid man to say if there can be a distinction made between the foundation and origin of the two Governments, as to the question whether they were compacts between States. The source from which both Governments were derived was the same. The articles of confederation constituted a Government for the confederacy as much as the constitution constitutes a Government for the Union. They are both Governments—constitutional Governments—compacts between sovereign States. They differ as to the extent of the powers conferred upon the Government, and in the mode in which those powers are to be exercised: in one case, the action of the Government being upon the States; in the other, upon the citizens directly. In its mode of action, this Government is partly national, and partly federal; in its origin and foundation, it is wholly federal. The States created—the States preserve—the States alone can reform, alter, or abolish it.

The honorable gentleman says, and he seemed to be transported into the regions of poetry at the thought, that "there is a moral grandeur and sublimity" in the idea of this great Government over the whole people as one people. I will not dispute with him about a matter of taste, though it seems to me to be an essential ingredient in the grandeur and sublimity of an idea of Government, that it should have some foundation in truth. If the picture of moral grandeur and sublimity presented to the mind by this imaginary Government of one people was only completed, as there is some reason to apprehend it will be, by engrafting upon the constitution, and establishing in practice, the "common defence" doctrine of the gentleman from Massachusetts, and the "general welfare" doctrine by which the gentleman from Rhode Island [Mr. Burges] resolves all questions of constitutional power, then we should have established a vast consolidated empire, with a Government of unlimited powers, apparently the consummation of the hopes and efforts of one class of politicians in this country. Let me oppose to this idea of moral grandeur and sublimity the sentiment of the venerable sage and patriot of Montpelier, who says, in that report which I have already quoted, that "it adds to the stability and dignity, as well as to the authority of the constitution, that it rests on the legitimate and solid foundation," derived from its being formed by "the sanction of the States, given by each in its sovereign capacity."

It may suit the fancy of a poet to revel in the "moral grandeur and sublimity of an idea" of Government which exists only in the imagination—the offspring of fiction; but, to my mind, there is something more grand and elevating in the contemplations of a statesman who admires the stability and dignity of a Government resting upon the solid basis of truth and reality.

I will proceed to reply to some other portions of the gentleman's remarks. A new, I believe perfectly new, and most extraordinary argument is advanced by him in favor of the protection which he claims for domestic manufactures.

It is claimed as an equivalent for the protection given (as is alleged) by the constitution to the slave interest of the South. Far be it from me to undervalue the benefits conferred upon the South, no less than other parts of the country, by this Union. I have endeavored to calculate its value, and deem it incalculable. I should regard its dissolution as one of the greatest evils which could befall, not ourselves and our posterity only, but the whole human family; it would blast forever the best hopes of the friends of freedom throughout the world, and extinguish the fire of liberty upon all the altars on which it has been kindled by our example and our success. The beneficent protection afforded by the Union is, that it is the bond of domestic tranquility, the safeguard against intestine commotions and civil wars, and the arm of our defence against foreign aggression. But the only just and legitimate protection which this Government, or any other Government, can extend to individuals or classes of individuals, is to secure them in the enjoyment of the fruits of their own industry; in the unfettered exercise of their own skill and enterprise, and in the pursuit of their own happiness in their own way; with this restriction only, in the language of the maxim of the civil law, that they shall so use their own as not to injure that of another. This great rule is the corner stone of every well constructed edifice of Government. I believe the Government of this Union was designed by its framers to rest on this solid and just foundation; and if it were thus administered, it would secure all the purposes for which it was formed; "establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." But when any Government imposes burdens upon the community which the legitimate purposes of the Government do not call for—takes money out of the pockets of the people at large, not required for public uses, but for the benefit of a particular class of individuals, its action is essentially unjust and tyrannical, no matter under what former pretexts it is done. And, sir, when a claim is made to persevere in a system of unequal and unjust taxation, (as we of the South regard the tariff system to be,) even at the hazard of civil war, upon the allegation that the South receives an equivalent for these exactions in some peculiar protection which is afforded by the constitution and the Union to our slave interest, I feel it to be proper to meet the assertion and argument on the threshold, and to examine if it has any foundation in the constitution. I deny it utterly.

The gentleman from Massachusetts has referred to various provisions of the constitution as sustaining him in this novel position.

1st. The provision by which, in apportioning representation among the States, it is required that three-fifths of the slaves shall be enumerated.

2d. The fourth section of the fourth article of the constitution, which provides that the United States shall, "on application of the Legislature or of the Executive," when the Legislature cannot be convened "protect each" State "against domestic violence."

3d. The authority given to Congress to raise and support armies and a navy.

As to the first, I need hardly remind this committee, and certainly not the gentleman from Massachusetts, that the question as to the proper basis of taxation and representation, in relation to the slave interest of the South, was coeval with the declaration of independence. Immediately after that event, the articles of confederation were discussed in the old Congress of '76. The article relating to this matter, as originally proposed, and finally adopted, provided, that "all charges of war, and other expenses incurred for the common defence and general welfare, &c. shall be defrayed out of a common treasury," to be "supplied by the several colonies in proportion to the number of inhabitants of every age, sex, and quality," &c. It was proposed by Mr. Chase, of Maryland, to amend it so that the quota should be fixed by the number of the white inhabitants.

It is a curious piece of political history, especially taken in connexion with a sentiment expressed by the gentleman from Massachusetts, that, in the decision of that question, all the slave-holding States, Delaware, Maryland, Virginia, North and South Carolina, (Georgia being divided,) voted in favor of the amendment; and New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, all substantially non-slave-holding States, voted against the amendment, and rejected it. It is worth while to notice the

argument by which this decision was sustained, and for this purpose I will read an extract from one of the most distinguished, eloquent, and (notwithstanding that the violence of party spirit induced many to undervalue his services and character,) I will say one of the most patriotic of our revolutionary men.

I read from the speech of Mr. John Adams. He observes: "That the number of people were taken, by this article, as an index of the wealth of the State, and not as subjects of taxation; that, as to this mattes, it was of no consequence by what name you called your people, whether by that of freemen or slaves; that, in some countries the laboring poor were called freemen, in others they were called slaves; but that the difference, as to the State, was imaginary only. What matters it whether a landlord employing ten laborers on his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand? The ten laborers add as much wealth annually to the State—increase its exports as much in the one case as the other. Certainly, five hundred freemen produce no more profits, no greater supplies for the payment of taxes, than five hundred slaves; therefore the State in which the laborers are called freemen, should be taxed no more than that in which they are called slaves. Suppose, by an extraordinary operation of nature, or of law, one-half of the laborers of a State could, in the course of one night, be transformed into slaves; would the State be made poorer, or less able to pay taxes? That the condition of the laboring poor in most countries, that of the fisherman, particularly of the Northern States, is as abject as that of slaves," &c.

Here is the argument (in which there is certainly great force) upon which the southern States were taxed, from the beginning, in proportion to their whole slave population. It goes to prove that both kinds of labor ought to contribute to the support of Government equally; and authorizes the inference, as a legitimate deduction, that they are entitled to the same kind and degree of protection, and in the same mode—by being represented. But the argument here is that a different and additional protection is to be given to the labor of the North, and that too at the expense of the labor of the South, though the character of the labor is the same as to the State, as well as the actual condition of the laborer.

There was no inconsistency in the course and opinions of the distinguished man whose argument I have just quoted. Immediately after the decision referred to, came on another question: how the States should be represented in the Congress of the confederacy? He spoke in favor of each State voting in proportion to the numbers of her people. Some of them who had voted for taxing us, according to the number of our inhabitants, and who represented large States, were in favor of voting in proportion to the number of free inhabitants. On this question the interests of the small States preponderated; and it was settled that each State should have one vote.

In the Convention these questions again arose; and the arrangement of the subjects of taxation and representation, in reference to the slaves, constituted one of those distracting subjects of controversy which brought the Convention to the verge of dissolution without agreeing to a plan of Government. It could not but produce difficulty; it was not a question that could be settled by any rule of abstract right. For, to borrow again the language of Mr. Adams, in the same debate, "Reason, justice, and equity, never had weight enough, on the face of the earth, to govern the councils of men; it is interest alone which does it, and it is interest alone which can be trusted; that, therefore, the interests within doors should be the mathematical representatives of the interests without doors."*

* Memoirs and correspondence of Jefferson, vol. 1, page 27.

The representatives of the slave-holding States, in the Convention, as well as those of the non-slave-holding States, were fully sensible of this truth; and, by their course in that body, gave a new illustration of it; the interests without doors were represented by interests within; and the slave-holding States insisted that they were entitled to representation for their whole slave population; and the free States, that the slaves should not be counted at all. This contest resulted in the adoption of the rule of apportioning representation and direct taxes by the same ratio, and estimating three-fifths only of those slaves in regard to each. On what authority, then, does the gentleman refer to this clause of the constitution, as conferring peculiar protection to the slave interest in the South? Why may not we, with as much propriety, insist that it had secured to the labor of the North an advantage to which it was not entitled; and, for which, in the administration of the Government, we ought to have an equivalent? Instead of having our whole population represented, as we thought it ought to have been, and for which we had the authority of Mr. Adams, we insisted only upon a part being represented, while the whole population of the North was told. It was the result of that spirit of compromise which presided in the formation of the constitution; which, on several occasions, since its establishment, has effected its preservation; which must be invoked again, and now; and will not be invoked in vain, if the professions of devotion to the Union are as sincere as they are loud, frequent, and ostentatious.

The gentleman from Massachusetts tells us, if the bargain were to be made over again, he would not make that compromise. I do not wonder at all at it. If that unyielding spirit of fortitude (as he calls it) which he has manifested, had prevailed in the convention, or a tithe part of it, we should never have had this glorious Union, which he now professes so much anxiety to preserve. If his spirit of fortitude be substituted for their spirit of concord and conciliation, and his doctrines, as to the power and authority of the Government, prevail, it requires little foresight to perceive that the Government must end, sooner or later, either in an irretrievable dissolution of the bonds of the Union, or be converted into one vast consolidated Government; which would be the sure and speedy precursor of a military despotism.

Sir, I had fondly hoped that, at this momentous epoch, Massachusetts would have been found standing by Virginia, in the cause of peace and harmony. I could not fail to remember, with lively sensibility, their early and constant association in the struggle for independence. Together they rocked in the cradle of the revolution; together they nursed and fostered the glorious offspring of that revolution—the union of these States—while it was rearing into vigor and maturity. They have differed, indeed, but I trust in no hostile spirit, as to the proper construction of the title-deeds, and the most judicious mode of managing the estate. Yet, I did hope that, animated by the same holy and ardent love of justice and liberty, they would yet be found standing together again, and employing their moral and political strength in the preservation of the noble inheritance of union from being despoiled by the hand of injustice, or its existence destroyed by the hand of violence. Sir, that hope is gone.

The spirit which is here indicated was not that which animated the venerated band of sages, heroes, and patriots, who composed the convention; they had not yet learned to forget—they were deeply imbued with that fraternal sympathy and affection which had been generated in the hearts of the American people, by their common suffering—their common perils—their common triumphs in a common cause. When the old confederacy was upon the eve of falling to pieces, and from causes which would have led inevitably to conflicts between the parties to it, the members of that convention, many of

whom had hazarded their lives, sacrificed their fortunes, and, in the cabinet or in the field, given their support to the cause to which they had pledged their sacred honor, came forward, and, with true and genuine fortitude, laid upon the altar of their country their prejudices, their passions, and their local interests. The idea of resorting to arms for the purpose of avoiding the apprehended conflicts and quieting the existing disputes, was the last that would have entered into their minds. It was the alternative most abhorred, and to prevent which almost every thing was to be yielded.

But now, when a crisis scarcely less appalling is perceived by all to exist, what is the spirit displayed—the sort of "fortitude" recommended to us as more worthy of admiration even than the fear of doing injustice? Every exasperating topic, calculated to inflame passion and frighten away harmony, is sought for, and forced into the debate; and we have an exhibition of fortitude which, if it does not delight in, is determined to do nothing to prevent, a civil commotion; fortitude which enables gentlemen, rather than make any concession, rather than make any change even in the form of a law, to rejoice in the prospect of making an experiment of the strength of the Government, as philosophers kill rats in an air-pump to illustrate the truths of science; and with cold-blooded indifference regard the approach of a conflict between Governments in arms, which, if it shall once begin, no eye hath seen, nor ear heard, nor can any tongue adequately tell, its termination, or all its train of unutterable horrors. This is not the fortitude of patriots and statesmen, but that of professors and poets turned politicians; those

> ——"Heroes of the last diselosure," (the very last,)
> "Who look on blood and carnage with due composure."
> *Dermot McMorrogh.*

The gentleman, in the next place, deduces an argument in favor of this notion, that some peculiar protection is afforded to the slave interest of the South, from that provision of the constitution which stipulates that the United States shall protect each State against domestic violence. Is an opposition to the State laws and State authorities, by "domestic violence," more likely to arise in the slave-holding States than in the non-slave-holding States? I deny it. Let it be proved. Virginia has been a slave-holding State, or community, for upwards of two hundred years. During all that time, there has never been any rising of the slaves against their masters of a character so formidable as to require any foreign aid whatever; none which could not have been suppressed in a few days by the people of the neighborhood, with the utmost ease, without even marshalling the State authorities. Indeed, I know of but one event of the kind in the whole Southern country, and that was the Southampton tragedy, which occurred in Virginia a year or two ago. This, in truth, was scarcely entitled to be regarded as an insurrection at all; it was a truly bloody but aimless outrage of a madman, and a few drunken followers. It is true, that, under the influence of a temporary panic occasioned by it, and a thousand unfounded rumors of contemplated and concerted risings in other places, an extraordinary and unfortunate debate was got up in the Virginia Legislature, principally promoted and sustained, however, by those who have comparatively no direct interest in the subject: for there, as here, it so happens that the anxiety which is manifested for the safety of the owners of slaves against "domestic violence," comes principally, not from slave-owners themselves, nor from the slave-holding part of the country, but from the gratuitous, though I dare say amiable solicitude of those who have little or no concern in the matter. Shall I be told that we have been indebted for our security, while a colony, to the protection afforded by the mother country, and since, by the Union? Unfortunately for the proposition and the argument, there have been two instances of domestic violence against the State or colonial Governments, by discontented and insurrectionary white men—I mean Bacon's rebellion, in Virginia; and another of a character wholly different, and which I am ashamed to mention in the same connexion—I mean Shay's insurrection in Massachusetts. They were both very formidable.

I have an impression on my mind—the gentleman from Massachusetts knows as well as any other man whether it is well founded or not—that I have seen it stated by some authority entitled to confidence, as a part of the political history of this Government, that the extent and formidable character of the resistance to the State authorities in Massachusetts by Shay and his followers, contributed very essentially to overcome the reluctance which that State felt and manifested to send delegates to the convention in 1787.* Perhaps this fact may account for the peculiar arrangement of the States in voting upon a motion made in that convention by a Southern member, to strike out the words "domestic violence," and insert "insurrections"—probably on the ground that the last word more distinctly embraced the kind of domestic violence that might be apprehended from the slaves. The votes were thus:

Yeas.—New Jersey, Virginia, North and South Carolina, and Georgia.

Nays.—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, and Maryland.

Perhaps there was no essential difference between the two phrases; but it is not at all unlikely that the vote for retaining the words in the constitution was given in the full and awful recollection of that formidable resistance to the State of Massachusetts, which was so extensive as, in many places, to prevent the administration of justice, by driving the judges from their seats, and shutting up the court-houses. And it is recorded of one of the judges, who happened to be something of a "military chieftain" too, that he marched into his court at the head of some hundreds of the people who stood by the Government, in the face of a larger body of the rebels assembled to prevent him from going on with his business, and used this memorable expression on taking his seat: that "he would live a judge, or die a general."

Gentlemen may rest assured that the people of the Southern slaveholding States estimate this vaunted protection to our slave interest so far as it is regarded as furnishing us any peculiar safeguard, unconnected with the general blessings of union, as of very little worth. I expect there is not a Southern man within the sound of my voice who will not bear me out in the expression of the opinion that there is no people on earth who live in less apprehension from "domestic violence" than the people of the South. In support of this opinion, I beg leave to read a passage from a work which contains an able, comprehensive, and philosophical analysis of all those questions of slavery, colonization, abolition, &c. which I would most earnestly and respectfully request our Northern friends to peruse in a candid and dispassionate temper. If they will do so, I think they will at least be convinced that there is no occasion for them to suffer so much kind and anxious solicitude for our safety, or the comfort of our slaves.

I read from Professor Dew's Review of the Debate in the Virginia Legislature, in 1831 and 1832:

"We believe there was not a single citizen in Virginia

* Since making these remarks, I find the fact stated by me fully sustained by Marshall's Life of Washington, page 111, 5th volume; and the insurrection described as much more extensive and alarming than I represented it. The anecdote mentioned by me is told of a Colonel Cobb, almost in the language used by me. In the account given of the rebellion, it is stated, on the authority of Colonel Lee, that "a majority of the people of Massachusetts are in opposition to the Government. Some of the leaders avow the subversion of it to be their object, together with the abolition of debts, the division of property, and a reunion with Great Britain," &c.

who felt any alarm from the negroes previous to the Southampton tragedy, and we believe at this moment there are very few who feel the slightest apprehension. We have no doubt, paradoxical as it may seem to some, but that the population of our slaveholding country enjoys as much or more conscious security than any other people on the face of the globe. You will find throughout the whole slaveholding portion of Virginia, and we believe it is the same in the Southern States generally, that the houses are scarcely ever fastened at night, so as to be completely inaccessible to those without, except in the towns. This simple fact is demonstration complete of the conscious security of our citizens, and their great confidence in the fidelity of the blacks."

The only well-grounded cause of apprehension that we have, proceeds from the perpetual teasing interference of deluded, but, I dare say, well-disposed fanatics, who infest our country with homilies about colonization, abolition, and emancipation. Sir, the only protection we have ever required, or probably ever will require on this subject, is, to "let us alone," and we will leave the entire benefit of the constitutional provision now under consideration, to our brethren of the North, as a security against domestic violence from their laborers, whom this tariff system, if carried out and persevered in, will grind down, ultimately, to the point of resistance here as well as in England, from which it is borrowed, where the starving operatives in the manufactories are almost daily found lifting their hands against their employers, committing acts of lawless outrage and desperation, and having to be dispersed by the bayonets of the military.

But this protection to us is alleged to be so peculiar and important, that it is made the pretext for sustaining a system which, it would seem to be assumed by gentlemen on both sides, is almost exclusively injurious to the slave labor of the South, and beneficial to that of the North, but which, in my opinion, acts injuriously to the labor and industry of the country every where, though not in an equal degree.

But, with these apparently avowed effects, it is asked that this unjust and unequal system shall be continued; that the labor of the North, by means of burdens on the slave labor of the South, may be lifted above its natural elevation in all other countries, so that the North may have no occasion for constitutional protection against "domestic violence," while we shall be compelled to reduce the comfort of our slaves, by reason of the diminished profit of slave labor, to the lowest point of depression, and thus the danger of "domestic violence" increased; and we are to be comforted and pacified with the assurance that protection, thus rendered necessary, is secured to us by the constitution.

Such is the character of the mild and beneficent protection for which we are to be pursuaded not to act upon this matter at this time, lest one of the Southern States, which is not sufficiently sensible of its value, and has become refractory, should have a triumph, and this Government should lose so favorable an opportunity of manifesting its energy, by sending the army, the navy, and the militia, "to sweep from the face of the earth the high-minded, gallant, and talented representatives of that State on this floor;" "to make all her rivers run red with blood, and to exterminate one-half her present population;" and this spectacle is thus almost invoked by one gentleman in language which "Danton, Marat, and Robespierre, might blush to own;" and by another, who, in a sneering tone, says he wants to see this peaceable struggle; and, with heartless irony and derision, urges the adoption of his motion, in order that the authorities of South Carolina and of this Government may have an opportunity of showing the peaceful character of their measures.

The third source of protection to the slave interest of the South is furnished by the standing army and navy, on the score of which we ought to acquiesce in the protection of domestic manufactures.

And does the North derive no benefit from the army and navy? Is it for the South to be reproached with the expense of keeping up the army and navy? It has been a standing reproach against us that we were not willing to consent to a sufficiently large force being kept up. The State of Virginia gave very strong evidence of her indisposition to have a standing army, and that she did not want any such protection. One of the amendments proposed by her convention, at the time of the adoption of the constitution, was, "that no standing army or regular troops shall be raised or kept up in time of peace, without the consent of two-thirds of the members present in both Houses." The present army is a mere skeleton, and the navy is inconsiderable in point of strength, though it has attracted universal favor by its valor and achievements. But what are they? Not raised or kept up, certainly, for the purpose of giving protection to the slave interest of the South; they are the fruits of the "second war of independence," as it has been called, and which certainly did much to establish our national character abroad.

This was a Southern war, waged for the protection of Northern interests; for "Free trade and sailors' rights." And what have we got? Restricted trade, and our shipping and commercial interests heavily burdened.

And now the army and navy, which is kept up in case of future national emergencies, and which, in all quarters, has been assented to in consequence of the experience of the want of such establishments at the commencement of the war, is to be charged to the Southern States, and to constitute a reason for subjecting their industry to permanent and unequal taxation. And what is to be done with them now? This army and navy is to be employed to crush one of the Southern States—to make "all her rivers run red with the blood" of her gallant people; and this for the mere purpose of proving the strength of this Government, and illustrating the value of the Union. This is, indeed, protection: "but it is such protection as vultures give to lambs, covering and devouring them."

Let me not be misunderstood. I am not either the advocate or apologist of the proceedings of South Carolina. I do not believe in her doctrine of State interposition. Far from it. I believe it false in theory, and that in practice it must be disastrous; inevitably ending in force or separation, and perhaps both. The measures that have been adopted there, are, in my estimation, rash, precipitate, and unconstitutional. The citizens of these States cannot, I think, be justified in resisting the regular and lawful authority of this Government by any law or ordinance of the State, so long as the State itself remains a member of the Union. And this Government has no discretion but to go on and execute the laws which are sanctioned by all its constituted authorities.

Whenever I am called upon to act on that question, painful as the duty may be, if the attitude now assumed by South Carolina be persevered in, or should be assumed by any other State, as a member of this House, as a representative of the State of Virginia, I shall feel impelled by the duty I owe to the constitution which I have sworn to support, to give my sanction to any safe, prudent, and constitutional measure to enable this Government to execute its laws, taking care to adopt such only as are necessary and best calculated to avoid collision. I have ever, in public and private, cherished a disposition to acquiesce in the constitutionally expressed will of the majority, so long as that acquiescence does not sink into submission, to deliberate, palpable, and dangerous injustice and oppression. In a Government of opinion, such as ours, covering so vast an extent of territory, it is vain to expect that there will not arise great diversity of sentiment, and much

collision of hostile and irreconcilable interests. I am too deeply sensible of the infirmity of my own judgment, as well as the intrinsic difficulty and delicacy of many of the questions on which these differences of opinion, and collisions of interests are manifested, to countenance the bigotry which would denounce all who differ with me as seduced by folly or actuated by knavery. I am not, therefore, prepared to buckle on my armor for the purpose of resisting every measure which I deem unauthorized, and which operates injuriously to my interests. But there are limits to the respect which is due to the controlling authority of a majority: "to be rightful, it must be just." It must be exercised in a spirit of moderation and forbearance. Constitutional Governments are intended to restrain majorities from oppressing minorities. When these barriers are broken down, and the will of the majority is displayed in infractions of the charter, and in perverting the powers conferred upon it to the purpose of oppression, it will be time even for temperate men to begin to inquire whether "the mask of freedom," which will then be worn, "is any better than the bold uncovered front of tyranny." I speak in no other tone than that in which Virginia claimed her rights when she adopted the constitution; when she "declared and made known that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be perverted to their injury and oppression."

And whenever abuses and usurpations are thus persevered in, and a deaf ear is turned to the voice of supplication for justice and forbearance, secession will become not only a right, but a sacred duty. And, in the language of Mr. Madison, "it cannot be doubted that a single member of the Union, in the extremity supposed, but in that only, would have a right, as an extra and ultra constitutional right," "to appeal from the cancelled obligations of the constitutional compact to the original rights and the law of self-preservation."*

When that attitude is to be assumed by any State or number of States, what will be the relations, the rights, powers, and duties of the co-States and of this Government towards the seceding State or States, are queries I will not go into further than to say that there will be presented a question of peace or war between sovereignties, or Governments representing sovereignties; a question to be decided, as all such questions must be, in reference to all the circumstances of the case when presented, and the consequences which must follow the decision; and to be settled only by acquiescence, negotiation, or public war.

It is urged, however, by the gentleman from Massachusetts, and probably by other gentlemen, that we ought not to pass any bill, no matter how unobjectionable in itself; because that would be to confirm the South Carolina ordinance; because, as I understood the argument, the operation of the ordinance will be obviated by the passage of any bill whatever. This is a consideration which will recommend to me the passage of almost any bill which does not aggravate the inequality or injustice of the present tariff of 1832, which I think it would not be easy to do. I would rejoice at having an opportunity, by such (if there be no other) peaceable means to postpone a conflict, which I am so solicitous to prevent now. I trust, however, that we shall not be satisfied with this. If we cannot agree to pass the bill reported by the Committee of Ways and Means, let us not give up the effort to do something material towards restoring the tranquillity of the country. Let us reason together, one with another, as men, as brethren, as statesmen, and not as mere politicians, or partisans; and we surely can agree on something, in a spirit of brotherly love, and by making mutual sacrifices of opinion and of interests, which will compose this great strife, now and forever.

But the great argument against the passage of this bill is, that South Carolina is in a menacing attitude; that it would be to yield to unmanly fear to accede to her demands; that it would be to give up all she asks; and that it is unbecoming the dignity of the Government for us to comply with demands made by South Carolina with arms in her hands. I do not design to add any thing to what has been already so ably and eloquently said by the gentlemen from New York and Georgia [Messrs. Verplanck and Wilde] in answer to this argument.

I think, on examination, it will be found that all the declamation, all the denunciatian, all the appeals to passion, to prejudice, and to pride, which have been so freely poured forth from all quarters in support of this argument, have no foundation in fact. And, if it were not impossible to suppose that honorable gentlemen here, at such a time, could be influenced by such motives, it would be difficult to resist the belief that they were used as mere pretexts to inflame and mislead, to deceive ourselves and others.

Does this bill satisfy the demands of South Carolina? Will its passage prostrate the Government at her feet, by yielding to her menaces every thing she asks? What says the address of the convention of South Carolina to the people of the United States? "But we are willing to make a large offering to preserve the Union, and, with a distinct declaration that it is a concession on our part. We will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected; provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes; and provided, also, that a duty substantially uniform be imposed on all foreign imports." This is her ultimatum, lofty enough, and somewhat arrogant. Here is what she asks; with which, as a concession, but with which alone, she will be satisfied. Now, does the bill answer and satisfy this demand? Does it meet, or approach even an equalization of duties upon protected and unprotected articles? Or are the rates of duty on all foreign imports substantially uniform? No, nothing like it. This bill has been framed by gentlemen on the Committee of Ways and Means from all parts of the Union, as a compromise of the controversy, in which neither side has demanded, or had a right to demand, every thing to be yielded to it, which it thought strict justice would give. The rates of duty proposed by it vary on the protected and unprotected articles widely, and in favor of the former; and very many, and some considerable subjects of foreign imports, are admitted free of duty. South Carolina, I have no question, if the bill passes in some such form as it was reported, will abandon the position she has taken. The authority of the Government will be sustained, and there will be a triumph over nullification. And those gentlemen who have made it a stalking-horse from which to declaim in favor of the authority of the Government, and to denounce in unmeasured terms the gallant and patriotic people of South Carolina, and her eloquent and high-minded politicians, would then be gratified in having this heresy put down; not, to be sure, by using the hempen cords which the honorable gentleman from Pennsylvania [Mr. Muhlenburg] thinks we ought to be preparing for the convention and people of South Carolina, whom he characterises as "a handful of conspirators;" not by "sweeping from the face of the earth her representatives on this floor," and "making all her rivers run red with the blood" of her people; not by satisfying the philosophical and humane desire of those who wish to witness the experiment of the strength of the Union tried by a

* The State, of course, must judge for herself of the existence of the extremity; has a right so to judge, and to act upon that judgment, as a sovereign State.

conflict between Governments in arms; but put down by the quiet, peaceable, and irresistible power of public sentiment, which is more terrible than "an army with banners."

Pass the bill, and you will quell the spirit of disorder and discontent which has already broken out in almost open resistance in one State, and which, stimulated as it has been by the "false doctrine, heresy, and schism" that has mingled in the controversy, there is too much reason to fear is spreading into the neighboring States, and may break forth into a flame, if, instead of passing the bill, and exercising a spirit of forbearance and moderation, the whole military and naval power of the country is employed to punish and subdue a sister State, which, although she "starts madly from her sphere," has been impelled by what she regards an intolerable extremity of oppression.

Remember that those neighboring States, Georgia, Alabama, North Carolina, Virginia, Mississippi, and perhaps Tennessee, concur with her in thinking this oppression exists, and, many of them, that the system of which it is the fruit, is unauthorized by the constitution.

Remember, too, that we have it from the authority of the President, and from the Head of the Treasury, and from the Committee of Ways and Means, that the revenue from the tariff of 1832 will exceed all the legitimate wants of the Government, estimated upon a liberal scale of expenditure, by six millions of dollars. And then let me ask if it is not enough to make the blood of every freeman boil with indignation, that this Government—this Congress—is called upon, in spite of the opinion and the wishes of the Executive Magistrate, and the Head of the Treasury, to persist in exacting millions from the people, and not to abate one jot or tittle, even at the hazard of drenching the fields of South Carolina with the blood of her sons. I beg gentlemen to reflect upon the consequences, and to hesitate before they take upon themselves so fearful a responsibility.

Mr. Chairman, the political student in this country, while investigating the origin and spirit of our institutions, is naturally led to examine those luminous and profound letters under the signature of Publius, written by Messrs. Madison, Hamilton, and Jay, for the purpose of recommending the adoption of the federal constitution. One of the leading sentiments inculcated in that sagacious work is, that the chief danger to confederacies is from anarchy among the members, rather than tyranny in the head. While we may not be prepared to admit this in all its latitude, none who have observed the operations and progress of the Government can fail to acknowledge that the whiskey insurrection in Pennsylvania; the opposition and resistance to the embargo law of Mr. Jefferson's administration in the New England States; the Hartford Convention during the war; and the lowering storm that is now brewing in the South; all attest the truth that great danger is to be apprehended to the stability of the Government from the former source. While it is undoubtedly no less true, that the growing corruptions of this Government, the rapid and alarming increase of its patronage, and its continually manifested propensity, in all its departments, to strengthen and amplify its own powers, even to the extent of claiming authority to do every thing which it thinks will promote the common defence and general welfare--thus abrogating, at "one fell swoop," all constitutional restraints—give awful proof that there is at least equal danger to the liberties of the people and the rights of the States, from tyranny in the head. Let us, therefore, ever be mindful, and at this time especially, that there may be an excess both of jealousy and confidence in this Government; that the centripetal as well as centrifugal tendencies of our system are to be vigilantly watched and guarded against; that disunion and consolidation are evils alike to be avoided, and, perhaps, equally to be apprehended. Fully impressed with these sentiments, let us administer the powers confided to us under this constitution, according "to the plain sense and intention of the framers of it;" neither enlarging them by constructive expansion, nor restricting them by constructive limitation. Thus administered, I believe that the great American system of free confederated republics here established, will be found sufficient, as it is indispensable, to the perpetuity, peace, and prosperity of this whole Union.

Let us cling to our Union as to the anchor of our political hopes. Let us revere this constitution as the political bark, which is freighted with a rich cargo of every thing most precious to us. Thus far, it has "borne the battle and the breeze," and moved on amidst the war of elements, in the full tide of successful experiment. God grant that it may yet be guided by wisdom, firmness, patriotism, and, above all, by a spirit of mutual forbearance and conciliation; and so continue its march prosperously, gloriously, triumphantly.

The question recurring on the motion of Mr. ADAMS to strike out the enacting clause of the bill,

Mr. TAYLOR made a question of order as to the possibility of reporting a bill to the House with amendments, after the enacting clause had been stricken out.

The CHAIR decided the motion of Mr. ADAMS to be in order, and cited instances where bills had been reported in the like circumstances.

The question was accordingly put, and the vote taken by tellers stood as follows: Yeas 68, nays 86.

So the committee refused to strike out the enacting clause.

Mr. APPLETON's amendment, proposing a square yard duty on cottons, next came up, and was rejected: Yeas 70, nays 80.

Mr. HOWARD moved another in a different form, leaving the ad valorem duty at 25, and next year at 20 per cent.; and adding a specific duty on plains of 25 cents per square yard, on unbleached thread, &c. 60 cents per lb., and colored yarn 75 cents.

After some discussion this amendment was negatived.

Mr. WICKLIFFE proposed to graduate the reduction on cottons, so as to put the duty at 35 per cent., then at 30, and then at 25 per cent. permanent.

This was negatived: Yeas 38, nays not counted.

Mr. BEARDSLEY moved to put the duty at 40 per cent., then 35, and leave it permanent at 30.

This also was negatived.

The question was then put on Mr. WHITE, of New York's amendment, which fixes the duty at 30 per cent., then at 35, and leaves it permanent, after 1836, at 20 per cent., and was carried by the casting vote of the chairman: Yeas 69, nays 69.

Mr. JENIFER moved to reduce all the duties on iron one-half. Negatived.

He then moved to strike out all the bill after the enacting clause, and substitute a provision that the existing duty on all articles should remain till March, 1834, after which they should suffer a gradual reduction at the rate of 10 per cent. annually until the revenue should be reduced to fifteen millions of dollars. This was negatived.

Mr. DENNY moved to reinstate the duties on iron in the bill of 1832. Negatived.

Mr. REED, of Massachusetts, moved to amend the bill in the section respecting tarred cordage, so as to leave the duty at four cents.

This amendment was agreed to: Yeas 77, nays 48.

He offered another, leaving untarred cordage at five cents, which was agreed to.

Mr. MARSHALL moved to put hemp at 38 dollars till 1834, and then at 30 dollars. Negatived.

Mr. JEWETT moved to strike out the section in relation to salt. Negatived.

Mr. REED, of Massachusetts, moved to strike out the section in relation to olive oil. Agreed to: Yeas 86.

Mr. IHRIE moved to raise the duty on linseed, hempseed, and rapeseed, as by the act of 1832. Agreed to.

Mr. PEARCE moved to reduce the duty on molasses from four cents to one cent. Negatived.

Mr. ROOT moved to amend the duty on silks, by abolishing the discrimination between silks from India and those from the Mediterranean and France.

This motion gave rise to a considerable debate, in which Messrs. ROOT, INGERSOLL, WICKLIFFE, WILDE, ELLSWORTH, E. EVERETT, JARVIS, and CLAY, took part. The result was, that the duty in the bill was postponed until March, 1834.

Mr. JARVIS wished to put the duty on all silks at ten per cent. Negatived.

Mr. E. EVERETT moved to put India silks at ten per cent. and admit all others free. Negatived.

The motion of Mr. INGERSOLL, to strike out the whole section in relation to silks, finally prevailed: Yeas 75, nays 69.

The committee then rose, and the House adjourned.

WEDNESDAY, FEBRUARY 6.

The House again went into Committee of the Whole on the

TARIFF BILL.

Mr. IHRIE moved to lay a protecting duty upon slates. Negatived.

Mr. EVERETT moved a duty of two cents per pound on copperas; which was agreed to: Yeas 58, nays 55.

Mr. EVANS, of Maine, offered an amendment restoring to paper of all kinds the same rate of duty as was imposed by the tariff of 1824.

After some remarks from Mr. VERPLANCK, in which he stated that it was his purpose to move a general provision covering the stocks now on hand, in this and other branches of manufacture,

The amendment was agreed to: Yeas 72, nays 66.

Mr. DENNY moved an amendment which went to restore to cut glass the duties of the tariff of 1824, viz. three cents a pound specific, and thirty per cent. ad valorem.

This motion was sustained a good deal at length by Mr. DENNY, Mr. E. EVERETT, and Mr. REED, of Massachusetts, who stated the rapid increase and prosperous state of the manufacture, and its need of protection against a British bounty.

Mr. CAMBRELENG denied that any such bounty existed. There was an allowance under that denomination, but the bounties granted in Great Britain were mere drawbacks of the impost duties on raw materials, or of internal excise, direct and indirect, upon the manufacture. If there was any bounty beyond these imposts and excises, it had escaped the observation of those who had revised these laws in Parliament a few years since.

Mr. E. EVERETT insisted that the British statutes, as now existing, proved that the allowance (whether called bounty or drawback, or by whatever other name the gentleman preferred) did exceed the imposts and excise, and did in fact operate as a bounty on all glass exported.

The amendment was carried: Yeas 72, nays 60.

Mr. ASHLEY moved an amendment giving to lead the same protection it had received under the act of 1828.

He went into a history of the rise of this branch of business, and the decrease of price produced by the protecting duty.

The amendment was supported by Messrs. WATMOUGH, HORN, and WING; and opposed by Messrs. VERPLANCK and WILDE. It was then carried: Yeas 67, nays 49.

Mr. DENNY proposed a duty of five cents a pound on white lead; which was agreed to.

Mr. DENNY moved to restore to window glass the protection of the law of 1824; which was agreed to.

Mr. DENNY moved the same thing in respect to bottles, vials, and demijohns; which was agreed to.

Mr. VERPLANCK moved to amend the miscellaneous section of the bill, which provides that on articles not enumerated there shall be a specific or ad valorem duty, as at present, according as one or the other should be lowest, by deferring its operation until March, 1834; agreed to.

Mr. HUNTINGTON moved to strike out the whole of this section, as embracing a multitude of branches of manufactures which would be injured by it.

Mr. E. EVERETT supported the motion with earnestness, as covering unknown ground, and certain of giving rise to endless litigation.

Mr. POLK replied, and defended the clause as being much like one in the act of last year: the committee had been told at the treasury that it would be attended with little or no difficulty.

Mr. H. EVERETT objected to voting in the dark: it had been to obviate the necessity of doing so that he had wished to get the information sought in his call upon the treasury, which had not been answered.

Mr. VINTON thought this provision of the bill unconstitutional, because it would occasion different duties in different ports of the Union on the same article.

The question being put, the yeas were 74, the nays 74.

The CHAIR voting in the negative, the section was not stricken out.

Mr. E. EVERETT introduced a proviso excepting from the operation of the bill a list of chemicals; which was carried: Yeas 75, nays 67.

Mr. HORN moved an amendment which went to repeal the duties laid by the act of 1832 on articles of hardware.

This motion give rise to a debate, in which the amendment was advocated by Messrs. HORN, POLK, and DRAYTON; and opposed by Messrs. HUNTINGTON, DENNY, INGERSOLL, E. EVERETT, H. EVERETT, and WATMOUGH.

The amendment was finally negatived: Yeas 48, nays 59.

Mr. SUTHERLAND moved to protect the article of ready made clothing as by the act of 1828; which was agreed to.

Mr. SEMMES moved to exempt certain paints, manufactured extensively at Baltimore and elsewhere, from the effect of the bill; which was agreed to.

Mr. ROOT now moved to amend the duties on wool, so as to fix them at 50 per cent. till 1834; 40 per cent. till 1835; and then at 30 per cent. permanent duty.

This amendment was rejected: Yeas 47, nays 54. (No quorum having voted, the question was again put, and the vote stood: Yeas 58, nays 64.)

Mr. BEARDSLEY tried a different amendment on the same clause, putting the duty on wool at

40	per cent. till	- -	1834
35	do	- - -	1835
30	do	- - -	1836
25	permanent.		

This amendment was adopted: Yeas 74.

Mr. BEARDSLEY moved to strike out the clause which reduced the duty on cottons to 20 per cent. after 1824.

The motion was negatived.

Mr. BEARDSLEY moved to amend the duties on woollens, so as to put them at

50	per cent. till	- -	1834
45	do	- - -	1835
40	do	- - -	1836
35	permanent.		

This was rejected.

Mr. HOWARD moved to put the duty on fossil salt at 5 cents till March, 1824, and then at 2 cents.

This gave rise to an animated debate, in which the quality of the salt made in Eastport, in Maine, (the only manufactory of the article,) was discussed, as also the extent of capital employed, and whether owned by British or American citizens: documents were quoted on both sides, and the policy of encouraging an article which competed with the salt made from water in various parts of the Union, was warmly argued.

The amendment was warmly resisted by Messrs. JARVIS, BATES, and ANDERSON, of Maine, and by Mr. McKENNAN, of Pennsylvania; and advocated by Messrs. HOWARD, ELLSWORTH, SUTHERLAND, and REED, of Massachusetts.

It was finally amended by Mr. REED so as to fix the duty on fossil salt at one-third that on other salt; and in this form it was agreed to: Yeas 66, nays 63.

Mr. WATMOUGH moved to restore the duty fixed by the act of 1832, on carpets, carpeting, flannels, bockings, and baizes; he briefly sustained the motion, which was further supported by Mr. ELLSWORTH, of Connecticut, and Mr. E. EVERETT. It was then carried: Yeas 64, nays 58.

Mr. WATMOUGH moved a further amendment, including in the bill "patent floor cloths, and oil cloths of every description" (under the duty of 40 per cent.)

This was also carried: Yeas 93, nays 63.

Mr. H. EVERETT now moved to strike from the bill the whole of the sections containing the duties on wool and woollens, and restoring the protection of 1832.

Mr. WILDE moved that the committee rise; but the motion failed: Yeas 55, nays 56.

The question was then taken on Mr. EVERETT's motion, and negatived: Yeas 66, nays 69.

Mr. WARDWELL, of New York, moved to raise the duties on spirits, as follows:

1st and 2d proof, from 18 cents, as in the bill, to 35 cents.

3d proof	21	to 40 cents.
4th	26	45
5th	30	50

Over 5th proof 36 to 55 cents.

The amendment was negatived: Yeas 59, nays 62.

Mr. PENDLETON, of New York, moved to strike out "and worsted" from the 35 per cent. duty, and put on worsted yarn costing 40 cents a pound a duty of 10 per cent.

This was carried: Yeas 68, nays 52.

Mr. BARRINGER moved to put upon this article a duty of two cents a pound; which was agreed to.

Mr. WATMOUGH moved a duty of 25 per cent. on manufactures of marble.

Mr. H. EVERETT added "and marble."

Thus amended, the motion was agreed to.

Mr. COKE now moved that the committee rise and report the bill, but the motion was pronounced out of order at present.

Mr. RUSSEL, of Ohio, moved to strike out all of the bill after the enacting clause, and insert as a substitute, that the law of July, 1832, should be and continue in full force and virtue until the 3d of March, 1841.

Mr. INGERSOLL said this question was new and important; and, to allow time for its consideration, he moved that the committee rise. He withdrew the motion at the request of Mr. POLK, who urged the committee to bring the debate to a close, and report the bill.

The motion to rise was now renewed, and prevailed.

And the House then adjourned.

THURSDAY, FEBRUARY 7.

The bill to incorporate the Methodist Church of Georgetown, coming up,

Mr. HALL, of North Carolina, moved to strike out the first section of the bill, as he entertained constitutional objections to it.

After some conversation, in which Messrs. ELLSWORTH, WASHINGTON, SEMMES, ARNOLD, and VANCE took part, and an ineffectual motion to lay the bill upon the table, its consideration was postponed for one week.

EXPLANATORY TARIFF ACT.

The House now went into Committee of the Whole, Mr. CRAWFORD in the chair, on the bill to explain the 8th section of the tariff law of 1832.

Mr. HOFFMAN put several queries to Mr. CAMBRELENG on the provision of the bill. In reply to which,

Mr. CAMBRELENG went into a history of the bill, and the circumstances in which it had had its origin: he stated the different constructions of the bill it went to explain, and stated in substance that the object of the bill was to enable the holders of goods entitled to drawback under the law of 1828, to receive the difference of duty between the law of 1828, which they had paid, and 1832, which alone they would be now bound to pay, without laying them under the necessity of reshipping their goods. It extended this privilege beyond the original importer, to all who held the goods in the original packages.

Mr. WICKLIFFE thought that the bill went further than this, or it need not be so long.

Mr. CAMBRELENG replied, and explained that the length of the bill had been occasioned by a desire to accommodate the officers of the customs. It granted no new privilege, but merely gave a facility in the exercise of the privilege already conferred by law.

Mr. DAVIS, of Massachusetts, further explained the nature of the bill, and argued to show that the treasury, instead of losing, would in reality gain by its passage: inasmuch as if the goods were allowed to be taken to the custom-house now, all the holder would get would be the difference of duty; whereas, if they should be reshipped, and returned to this country, he could claim a drawback of the whole duty paid.

The discussion of the bill was cut short by the expiration of the hour.

The House then went again into Committee of the Whole, and resumed the consideration of the

TARIFF BILL.

The question coming up on the amendment offered by Mr. RUSSEL, of Ohio, to reinstate the tariff law of 1832, and to continue it in force until 1841,

Mr. ELLSWORTH opposed the motion. He said that while it carried the appearance of settling the question of the tariff, it would not really settle it at all; and it seemed to imply that at the end of eight years the policy of the country should be abandoned. Sir, said Mr. E., the bill is now so altered and patched, that it cannot receive the support of any party in this House, nor will it be satisfactory to any portion of the country. It is the most incongruous thing that ever man beheld. It is made up of the tariffs of 1816, '18, '28, and '32, without the least regard to proportions or state of facts. Mr. E. said it was lost time to work upon this bill any longer; it cannot pass. If any thing could be done, we must start anew, and whatever is done must be permanent. This perpetual agitation of the question, and this annually making a new tariff, is what cannot be borne. He said he spoke only for himself; he knew not that any gentleman would agree with him, but he felt satisfied that if any thing could be done, to put this matter at rest, it must be a bill very gradually reducing duties down to a proper standard, through the course of many years, taking the bill of last July as the beginning. He believed that a bill might be brought into the House which would satisfy the North, and in some measure meet the demands of the most rea-

sonable part of the South. If the present policy of the country could be settled and secured, and the duties gradually reduced so as to save the manufacturers, he was not ready to say he would not support such a bill; but then it would be a *sine qua non* with him, that such a bill should come into the House, and so be sustained here as to afford the fullest assurance that the tariff should not be again agitated. It must come from the South, and be sustained by Southern votes; and without this assurance, he would not take such a bill, come from where it might. He would not wish to see such a bill from Northern gentlemen, and forced upon the South; for then we should see next session just what we see now—a renewed and more determined attack on the tariff. The compulsory and silent compromise of last session had taught him to beware of such attempts. Let the South, oppressed as she says she is, (though he did not believe it,) come forward with a bill of very gradual reduction, of some ten years or more, and leaving at that time a clear protection in cash duties of twenty-five per cent., and he would very seriously think of such a scheme. But while the South hold to their present determination, to put down all protection, he would not attempt to meet them at all. His constituents would not yield a hair's breadth. If we must have war or a total abandonment of our present policy, let war come. Mr. E. said, here he would take his stand, and see how the people would bear him out. It is in vain, said Mr. E., to go on with this disjointed bill. He appealed to the South, if they supposed the representatives of the North could thus, session after session, suffer a policy to be insidiously attacked without any hope or even promise of a compromise. South Carolina has sworn we shall have no peace while we have a tariff of even incidental protection. Mr. E. said he was ready to swear, for one, that the present policy should never be abandoned, peace or war; and he would do nothing until he saw a returning sense of justice in the South, and a pledge that they would arrange a tariff that should protect the industry of the country, and leave the matter finally and fully settled.

Mr. RUSSEL, after some remarks, which were inaudible, withdrew his amendment.

Mr. SPEIGHT moved that the committee rise and report; and, in supporting this motion, made a reply to the remarks of Mr. Ellsworth, professing himself and the South ready to accede to any reasonable arrangement which would quiet the public mind. He would consent to the law of 1832, if it was to be gradually reduced within any reasonable space of time, until the revenue should come down to the wants of the Government.

Mr. BATES, of Maine, moved to amend the bill by reinstating the law of 1832, and reducing it at the rate of twenty per cent. annually, until the revenue should amount to $15,000,000. Negatived.

Mr. SEMMES, of Maryland, moved an amendment imposing a protecting duty of two cents a pound on alum; carried.

Mr. WARDWELL moved to amend the duty on spirits, so as to make it range, upon the several proofs, from thirty-five gradually to fifty-five cents. This was negatived: Yeas 51, nays 59.

Mr. WHITE, of New York, moved to amend the duty on sugar, so as to extend the reduction below two cents, the first year to one and a half cents, and then at one cent. permanent.

Mr. THOMAS, of Louisiana, made a warm remonstrance against such a reduction, which must prove the ruin of all the sugar planters. He adverted to the great reduction in the price of sugar, which, when he first settled in Louisiana, was at twenty-five cents the pound, and now ranged from six down to two cents. The reduction of duty would have no effect on the market price, but a most destructive one on the growers.

The motion was negatived without a count.

Mr. MARSHALL moved to restore the duties of 1828 to the spirits made from grain; negatived.

Mr. EVANS, of Maine, moved to add the articles of potatoes, beef, pork, and butter, on each of which he wished to fix a protecting duty; negatived.

Mr. NELSON, of Massachusetts, moved to amend the bill on that part relating to hosiery, by inserting the word "cotton," and placing the duty thirty instead of twenty per cent., and striking out that section of the bill which places cotton hosiery, mits, &c., at twenty per cent.; negatived.

Mr. WICKLIFFE moved to strike out the whole section in relation to coarse cloths, plains, kerseys, &c., costing thirty-five cents a yard, and blankets costing seventy-five cents; so as to leave those articles subject to a duty of forty per cent., gradually reduced to twenty, as on carpets, &c.; negatived: Yeas 48, nays 56.

Mr. THOMAS, of Louisiana, moved to amend the bill by striking raw cotton from the list of free articles; and supported the motion by a short speech, in which he depicted the evils which must follow the inundation of cotton from Texas. The motion was agreed to.

Mr. JARVIS, of Maine, moved to add a section providing generally for the allowance of drawback; agreed to.

Mr. REED, of Massachusetts, moved an additional section, allowing a drawback of one and one-third cents a pound on nails; the section is very fully guarded against frauds.

Mr. R. went into a number of statistical details in reference to this manufacture, its extent, its consumption of the coal of the South, and the peculiar kind of iron required for carrying it on.

The section was carried: Yeas 67, nays 52.

The bill having been gone through with,

Mr. ALEXANDER, of Virginia, moved that the committee rise and report it to the House as amended.

Before the question was taken,

Mr. ADAMS said that before the committee rose he would avail himself of the opportunity of making some reply to the misrepresentations (he presumed not intentional) of two gentlemen who had misapprehended his meaning, and then commented with some severity, not so much upon the opinions which he had expressed, as upon those which they had erroneously imputed to him.

The first was the gentleman from South Carolina over the way, who had totally mistaken, not only the purport of his [Mr. A.'s] observations, but also that of the resolutions of the Legislature of Massachusetts, which he had recently submitted to the House. The gentleman from South Carolina had read to the committee, not the resolutions of the Legislature of Massachusetts themselves, but a sentence from a manuscript slip of paper furnished to the gentleman, Mr. A. knew not by whom; but the gentleman had alleged that it formed a part of the resolutions of the Legislature of Massachusetts, and charged it upon them as exhibiting a temporary violence quite equal to that of the ordinance of nullification; when, in fact, there was not one word of the sentence which he had read from the slip of paper, contained in the resolutions from Massachusetts. The gentleman from South Carolina had treated him much as he had treated the Legislature of the State, one of whose representatives he had the honor of being on this floor.

As to the language, however, contained in the report of the committee, and in the resolutions of the Massachusetts Legislature, the gentleman had made an explanation, and had acknowledged he had been in error. But the gentleman had not done the same justice to Mr. A.; on the contrary, after he had formally disclaimed the meaning given to his words, and the words themselves, the gentleman still persisted in imputing them to him,

As to the courtesy of such a procedure, he should make no remark; courtesy depended very much on every gentleman's own view of what was due from gentlemen to each other. But the gentleman from South Carolina had charged Mr. A. with bringing a firebrand into the committee, and giving an entirely new turn to the debate. And what was the firebrand he had introduced? He had taken up what appeared to him to be the essence of the bill, and had spoken of it as being the commencement of a system of withdrawal of protection from some of the great interests of the country; interests secured to those concerned in them by the constitution and existing laws of the United States; interests in which his own constituents had a deep stake, and in which a large portion of this Union had a stake of still more portentous magnitude; he had stated the ground on which he should vote against this bill, or any other proceeding upon the same principles, at the present session. He had considered the bill as not adapted to effect its professed object, the reduction of the revenue, but as calculated to confirm the act of a convention held in South Carolina, declaring all the revenue laws of the United States, to be null and void within that State; and, in support of this view, he had referred to a declaration made by the same convention to the people of the other twenty-three States, in the most positive and solemn terms, that a protecting tariff should never more be executed in South Carolina. Now, was it he that had thrown this firebrand? The firebrand was to be found in this declaration of the convention of a part of the people of South Carolina; and that paper had been officially commended to the notice of Congress by the President of the United States. Were Mr. A.'s lips to be sealed by this act of a part of the citizens of South Carolina? and that when he considered the bill on which he was called to vote as having no other tendency than to increase the revenue of the United States; to take away the right of protection due to a large portion of the people of the Union; to ruin all the manufactures of the land; to ruin, yes, to ruin the free manufacturing and agricultural labor in his portion of this country, and to confirm the nullifying ordinance of South Carolina? These were the purposes of the bill. If a firebrand had been thrown into the House, it had not been by his hands. He had made no charge against South Carolina. He had read passages from the address of a convention, speaking in the name of the people of that State, to the people of all the other States in the Union, declaring that they had nullified within the limits of the State the existing laws of the United States, which protect the rights, and interests, and property of great multitudes of his [Mr. A.'s] constituents, and of a very large portion of the people of the Union. The South Carolina convention had passed a sentence of outlawry upon at least one-third part of the free population of the country; had declared them out of the protection of the existing laws of the land; and, with the most positive asseverations, had affirmed that the people of South Carolina never would submit to see that protection restored; that their determination to this effect was unalterable; that their purpose was to carry it into effect peaceably if they could, but that carry it into effect they would at all hazards; and that a protective tariff should never more be executed in South Carolina.

Mr. A. had declared his belief that this assurance of the South Carolina ordinance was sincere. That it was an issue tendered to the Government of the United States which it was the duty of that Government to meet, and not, by a bill like that before the committee, to blink or to evade; that it was an issue which must be met; that the protection to which the South Carolina convention declared that State would never more submit, was a right of the citizen which the Government of the Union had no right to withhold or to deny; that upon this issue one or the other of the parties must ultimately give way, and that there could never be a more favorable time for settling the question than now; that if the nullifiers should use, as they professed to intend, no other than peaceable means, no others would be needed, nor, as he believed, applied, to execute the laws: but that the laws must be executed, and that he was assured no superfluous force would, on the part of the Government of the United States, be applied; none beyond that indispensable for the execution of the laws. Was this bringing a firebrand into the House?

Mr. A. would now add that the gentleman from South Carolina was the last, the very last man in that House, from whom he should have expected an accusation of this character. If it had come from one of the gentleman's colleagues, from the commenders and abettors of the nullification ordinance, it would have been no more than he might have expected; but he had before said, and he now repeated the remark, that from what he had heard lately from Carolina, it was doubtful to him whether that gentleman, and those who thought and acted with him, would not, ere long, be compelled to call upon this Government to carry into effect that protection which the constitution of the United States secured to them. And if the gentleman and his friends should ever be placed in that situation, he pledged himself, so far as his vote would go, to give it to them. He believed they were entitled to it under the constitution. But, as respected the gentleman from South Carolina, (for whom Mr. A. entertained the highest respect, notwithstanding he did not think the gentleman had returned the courtesy to him,) he must say, if that was the friendship they were to receive in return for protection, he should, for one, prefer meeting one of the gentleman's nullifying colleagues; better an open and a candid foe, than a flinching or a treacherous friend.

Another gentleman, from another State, [Mr. PATTON, of Virginia,] had misunderstood and misrepresented his meaning, as much as the gentleman from Sonth Carolina had done. That gentleman, in an elaborate answer of his, to the few observations Mr. A. had addressed to the committee on that occasion, had thought proper to indulge himself in many observations on the remarks he had made, and sometimes in personal allusions, of a very pointed nature, to himself. With respect to the latter, whether coming from that gentleman, or from any other member of the House, Mr. A. must ask permission to make no reply whatever. He should do, with regard to the gentleman, as was once done by a very distinguished officer in our army; a man of high military sensibility, of strong feeling, as to what was due to his own honor, and of great personal courtesy towards others. It happened that this gentleman had had a misunderstanding with one of his brother officers, which had proceeded to such lengths, that they were not upon speaking terms. As they were both walking, one day, in one of the avenues of this city, they chanced to pass each other so very closely, that it was scarcely possible they should not see each other. Seeing his enemy come so very near to him, he turned round, and taking off his hat, said, "sir, please to excuse my salute." Mr. A. would say the same to the gentleman from Virginia, and to all others who might be disposed to amuse themselves, or entertain the House with allusions to any thing that he was, had been, or ever might be; he must say to them, please to excuse my salute, or reply.

As to the gentleman's observations in reference to the bill, the gentleman had contested some of the positions Mr. A. had taken, and especially one which lay at the foundation, and formed a very important part of the controversy with South Carolina, having respect to the character of the nation itself. In the observations Mr. A. had ma le, he had said that the first words of the preamble to

the constitution had settled the character of our Union, and had constituted the nation one people.

"The position assumed by Mr. A. had been, that the whole people of the Union were the authors of and parties to the constitution of the United States, as was explicitly declared by themselves in the very first words of its preamble; and as no compact can be dissolved but by the same power which created it, the people of no one State in the Union could either dissolve the compact by which they had bound themselves to the Union, or withdraw from it, or by counter-legislation annul its laws."

The gentleman from Virginia had disputed this position; and had quoted a number of authorities to maintain that this Union was nothing more than a confederation of sovereign States. The gentleman had said, that Mr. A. had adduced no authority in support of his doctrines, but merely those words, "we the people." It was very true that he had quoted no additional authority, because the words themselves were an authority which admitted of no answer. Mr. A. had thought so when he referred to them; nor did he think otherwise after he had heard all the observations of the gentleman, and all the authorities he had quoted.

But, if the gentleman must have authorities, he would refer him to some; they were not wanting.

The first he should mention, was George Washington, the President of the convention which issued the constitution to the people of the United States. In the Farewell Address of that Father of his country, were a multitude of passages which, in Mr. A.'s estimation, were authorities in support of the same position: and, indeed, that whole paper might be said to be in itself one entire, compact, sound, and unanswerable argument in favor of the principle. The address in which he declines a second re-election to that office, which he held so much to his own honor and to the glory and welfare of his country, was not directed, like that of the convention of South Carolina, to the people of the 17 or 18 States then in the Union; it was directed to "the people of the UnitedStates."

One paragraph in that address was in these words: "profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you—"to you"—to whom? to the people of the United States, "the choicest tokens of its beneficence; that your Union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete," &c. Observe especially those words: "the free constitution which is the work of your hands." Shortly after, we find: "the unity of Government, which constitutes you one people, is also, now dear to you. It is justly so."

Yes, sir, said Mr. A. "the unity of Government which constitutes you one people," is justly dear to you.

Again: "citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of an American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations."

Further on we have the following paragraphs:

"In this sense it is, that your Union ought to be considered as the main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other." "Is there a doubt whether a common Government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorised to hope that a proper organization of the whole, with the auxiliary agency of Governments for the respective subdivisions, will afford a happy issue to the experiment."

"Your Union"—the gentleman from Virginia said, the union of a people was an absurdity, but the union of States was a common and intelligible idea. If the gentleman would take the trouble of reading this address, he would find that the union of the people of the United States was no new or strange idea to President Washington.

The gentleman had said, (after the nullifiers of South Carolina,) that there was no such thing as a Government of the whole; that there was no American people. But what said this document?

"To the efficacy and permanency of your Union, a Government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced."

Again: "The basis of our political systems is the right of the people to make and to alter their constitutions of Government. But the constitution, which at any time exists until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish Government, presupposes the duty of every individul to obey the established Government."

Observe the force of this last paragraph. It is the conclusion of an unanswerable argument to prove the sacred obligation incumbent upon every individual citizen to yield obedience to the constitution of the United States; and, having in express terms declared that constitution to have been the work of the hands of the whole people, he draws here the inference, explicit, logical, irresistible, that by the whole people can it alone be abrogated; that, until changed by an explicit and authentic act of the whole people, it is sacredly obligatory upon all.

Mr. A. said he should read no further from that paper. He hoped the gentleman was now convinced, that if he had not read any authorities to the committee, it had not been because he had no authorites to read.

The gentleman had referred to the debates of the Virginia convention, upon the adoption of this constitution, and had read one or two paragraphs which seemed to countenance the doctrine he professed. There were more than twenty gentlemen in the Virginia convention who had made observations on those words in the preamble of the constitution, "We the people;" and there had not been one of them who did not admit that those words did explicitly and unequivocally declare that it was the people of the United States who made the constitution. Mr. Henry, that great and illustrious man, illustrious not only in Virginia, but throughout this whole country, whom Mr. A. felt as much pride in recognizing as a countryman as if he had been born in the next house to himself in Massachusetts, had been opposed to the adoption of the constitution, and had in fact proved himself the most strenuous and able opponent of that instrument in the Virginia convention. One ground of exception taken by him had been, that this phrase changed the nature of the Government. Mr. Henry had insisted that the General Convention which drew up the constitution had no right to speak thus, in the name of the people of the United States. And, had the constitution prepared by the convention been intended by them to become binding without being referred to the people themselves, the argument would have been unanswerable. It had only been the fact that the instrument would be of no effect until the people should have made the act their own, which justified the convention in employing such language.

What said Mr. Henry?

"And here I would make this inquiry of those worthy characters who composed a part of the late federal convention. I am sure they were fully impressed with the necessity of forming a great consolidated Government instead of a confederation. That this is a consolidated Go-

vernment is demonstrably clear; and the danger of such a Government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand what right had they to say we the people? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of we the people, instead of we the States? States are the characteristics, and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated national Government of the people of all the States."

I consider this as one of those authorities which the gentleman from Virginia demanded. The conclusions of Mr. Henry were, in this instance so far correct, that the words "we, the people" did entirely change the nature of the Government. This was not contested by any one member of the same convention.

The first answer given to this question of Mr. Henry, was by Governor Randolph, then the Governor of the commonwealth, and a member of the convention at Philadelphia. As a member of that convention, though he had taken a very active and leading part in drawing up the constitution, he had declined signing it; but now, as a member of the Virginia convention, was in favor of its adoption.

In answer to the inquiries of Mr. Henry, Governor Randolph said:

"The gentleman then proceeds and inquires why we assumed the language of 'we, the people?' I ask why not? The Government is for the people; and the misfortune was, that the people had no agency in the Government before. What harm is there in consulting the people on the construction of a Government by which they are to be bound? Is it unfair? Is it unjust? If the Government is to be binding on the people, are not the people the proper persons to examine its merits or defects?"

The Governor afterwards proceeded and enlarged on the imbecility of the old confederation.

Then came another great and illustrious man, as well in the Union as in his own State, Mr. Pendleton.

His reply to this objection of Mr. Henry was:

"But an objection is made to the form; the expression, we the people, is thought improper. Permit me to ask the gentleman who made this objection, who but the people can delegate powers? who but the people have a right to form Government? The expression is a common one, and a favorite one with me; the representatives of the people, by their authority, is a mode wholly inessential. If the objection be that the Union ought to be not of the people, but of the State Governments, then I think the choice of the former very happy and proper. What have the State Governments to do with it? Were they to determine, the people would not, in that case, be the judges upon what terms it was adopted."

Mr. Pendleton then went on to show that the convention had full power to propose whatsoever they might judge most for the general good, and that the voice of the people alone could give efficacy to their acts.

The next authority Mr. A. should quote, was Mr. Lee, of Westmoreland, a name well known, and advantageously known, in this community.

Replying to Mr. Henry's argument, he said:

"He, Mr. Henry, then adverted to the style of Government, and asked what authority they had to use the expression we the people, and not we the States? This expression was introduced into that paper with great propriety. This system is submited to the people for their consideration, because on them it is to operate if adopted. It is not binding on the people until it becomes their act."

Mr. Madison had said, indeed, what the gentleman had referred to, but he had said a little more. Mr. A. would read to the House the conclusion to which Mr. Madison brought his argument:

"Give me leave," said Mr. Madison, "to say something of the nature of the Government, and to show that it is safe and just to vest it with the power of taxation. There are a number of opinions; but the principal question is, whether it be a federal or consolidated Government? In order to judge properly of the question before us, we must consider it minutely in its principal parts. I conceive myself that it is of a mixed nature: it is in a manner unprecedented: we cannot find one express example in the experience of the world. It stands by itself. In some respects it is a Government of a federal nature; in others it is of a consolidated nature. Even if we attend to the manner in which the constitution is investigated, ratified, and made the act of the people of America, I can say, notwithstanding what the honorable gentleman has alleged, that this Government is not completely consolidated, nor is it entirely federal. Who are parties to it? The people: not the people as composing one great body, but the people as composing thirteen sovereignties. Were it, as the gentleman asserts, a consolidated Government, the assent of a majority of the people would be sufficient for its establishment; and, as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it. Were it such a Government as it is suggested, it would be now binding on the people of this State, without having had the privilege of deliberating upon it; but, sir, no State is bound by it, as it is, without its own consent. Should all the States adopt it, it will be then a Government established by the thirteen States of America—not through the intervention of the Legislatures, but by the people at large. In this particular respect the distinction between the existing and proposed Governments is very material. The existing system has been derived from the dependent derivative authority of the Legislatures of the States; whereas this is derived from the superior power of the people."

Mr. Madison says the Government is neither wholly federal, nor wholly a consolidated Government, but "of a mixed nature:" So Mr. A. had always held it to be, and so he had said: To all these observations of Mr. Madison he could cheerfully subscribe. The suffrages of the people upon the constitution were collected in the several distinct communities which they had formed, and retained; and in that respect the constitution partook of the federative character. But it was only a mode of collecting the votes of the whole people, necessarily adopted from their existing condition, and because they could not be collected otherwise, without merging in the General Government the separate auxiliary subdivisions of which it was composed. It was not, as the nullifying doctrine alleges, the people of each State aggregated to the Union, through the medium of the State. It was, as Mr. Madison explicitly affirms—the States were aggregated to the Union, by the will and action of their people. Thus, Mr. Madison speaks, not of the States, but of the people, as composing thirteen sovereignties. Thus, Mr. Pendleton justly remarks, the people only can delegate powers. Hence the State, itself the creature of the people, and possessing itself only but delegated powers, was incompetent to confer the powers granted by the constitution to the Government of the United States. The people alone were competent to grant them; and the people of each State, in adopting the constitution, by one and the same act, made themselves and the State which they composed, parties to the General Government of the Union. And thus Mr. Madison came to the same conclusion with all the others, his colleagues, that this constitution was the act "of the people at large."

Mr. A. said he would add no more authorities. He hoped and trusted that if authorities were necessary, he had adduced sufficient to satisfy the committee. He had said that the words "We, the People of the United

States," introducing the preamble to the constitution, conveyed to his mind an idea of the highest moral sublimity. This the gentleman from Virginia had considered as the fanciful imagination of a rhetorician or poet. Mr. A. had said at the time, and now repeated, that he was speaking to men of intelligence and to men of feeling. To their sympathies he appealed, and, in illustration of the idea that he had expressed, he would now take the liberty of reading a passage from the writings of an ancient Roman, not in their original language, but in words which he trusted would find their way to every bosom: "For there is nothing done upon earth more acceptable to that God who rules the universe, than in those assemblages and deliberations of men, rightfully associating together, and constituting governments for nations."

This was the sentiment of the greatest orator, statesman, and moralist, that ever lived in the tide of times; and with this sentiment in his heart, Mr. A. now repeated that, short of divine inspiration, there was nothing in human language that ever conveyed to his mind an idea of loftier moral sublimity than this preamble to the constitution of the United States; than this one corporate body, this one people of thirteen distinct communities, this innumerable multitude in one, speaking in the first person, to the race of civilized man, and declaring the purpose of their speech, to constitute themselves as one people, and to establish that Government for a nation which is the most acceptable of all human action upon earth to the God who governs the Universe.

Mr. A. said that he had been charged, in substance, both by the gentleman from South Carolina and the gentleman from Virginia, with countenancing, himself, the idea of nullification, and resistance by force and violance. The gentleman from Virginia had said something about "heroes of the last disclosure," who could "look on blood and slaughter with composure;" and had said this in reference to expressions used by him. He disclaimed the use of any such expressions; he denied having uttered any thing like a reflection upon the State of South Carolina. When he spoke of the acts of a convention of a part of the people of that State, he hoped that he should always speak of them freely, as they were, or as they appeared to his own mind. He meant no disrespect to South Carolina, or to any part of the Union, in what he had addressed to the committee.

He had said that he could not vote for any bill that was considered as a confirmation of the nullifying ordinance of South Carolina, or as giving a pledge to the nation, that the great system of protection to the interests of agriculture and manufactures should be abandoned: to the abandonment of that system he had declared that he would never give his consent, because he considered it as a right belonging to his constituents: a right which pertained to them as being parties to the constitution: a right resulting from the allegiance due by them to the country: and by way of illustrating this sentiment, and to show that other portions of the Union, and other great interests of an exclusive nature, were protected by the constitution and the laws of the Union. He had adduced those provisions of the constitution which went directly to protect the great interests peculiar to the South. He had referred to the large sums expended for the support of our standing army. He had not said, as he had been represented to say, that this army was kept up exclusively for the benefit of the Southern States. He had, on the contrary, declared that there was another portion of the Union which had as great, if not a greater, interest in it, and had referred to the settlements on our Western frontier. To those who considered their own exclusive interests as the only interests to be provided for, he had said that the army was not of a cent's value either to the manufacturing or the agricultural interests. Had the gentleman refuted this statement? Had he shown that it was of one dollar's consideration to either of these interests? Not at all. Had Mr. A. objected to the maintenance of the army? Had he asked for a repeal of the law? No: nor should he ever do so. There were great interests at the South to which the constitution and the laws extended protection, and Mr. A. would never give his voice to have the appropriation for their protection reduced one cent, although to his own constituents the army which protected them was perfectly useless. They wanted no army. The manufacturers and agriculturists at the North were all submissive to the laws: they had neither domestic nor foreign enemies whom they feared. Mr. A. had further said that there were other great interests in the country, the interests of commerce and navigation: and he had been represented as saying, that these interests, too, were protected for the benefit of the South. He had said no such thing. He knew perfectly well, that the interests of commerce and navigation were not, as such, the interests of the South. They were interests to which many of his own constituents were no strangers, for the people of the district which he represented were commercial and navigating, as well as manufacturing and agricultural, the interests of which were immediately struck at by the bill before the committee. But he was sorry to see the countenance given by the representation of the commercial interest on this floor to this bill. It was supported by most of the representatives from the large commercial cities.

There was another interest which he was sorry to see. No doubt they acted on grounds satisfactory to themselves. It was indeed apparent that the immediate operations of the bill would be highly advantageous to the commercial interest, at the expense of those of agriculture and manufactures; and to that circumstance, doubtless, their support of it was to be attributed. This interest was to be protected by the navy. Happy had Mr. A. been to see in the Executive message a recommendation to persevere in the maintenance and increase of this arm of the national defence; although it was kept up at a great public expense their full portion of which was paid by the manufacturers and farmers, who derived, as such, no benefit from it whatever.

The gentleman had said that Virginia could not be charged with any great partiality for a standing army. He had not said that she could; and he was still further from charging her with any partiality for the navy. He was aware that the navy had, now, a friend in Virginia; and Mr. A. heartily rejoiced at it; but the time had been, when Virginia manifested the same objection to the protection of the navigating and commercial interests as she now did with regard to the manufactures. But when he spoke of Virginia, he wished to speak with great qualification, because he did not hold the opinions which the gentleman had given out to be the genuine doctrines of Virginia. He knew, indeed, that there was a school of politicians in that State who held these opinions; but he likewise remembered that George Washington and John Marshall were citizens and natives of Virginia, as well as those who held these notions. He took Virginia's opinion from those men, and could hardly say that he considered the others as genuine Virginia politicians. He would do justice to Virginia. He imputed to her none of the sentiments which distinguished a certain school, of which he regretted to perceive that the gentleman was one.

The argument which Mr. A. had submitted to the committee when up before, was this: The South Carolina convention, in their address to the people of all the other States, had declared that South Carolina would never more submit to the existing laws, which extend protection to the manufactures and free agriculture of the country; and the main reason which they assigned for this determination was, that this protection was enjoyed exclu-

sively by the manufacturing interest, in which the South had no part, although the South bore in part the burden of its expense. To meet this declaration and argument, Mr. A. had contended that, if the principles assumed by the South Carolina convention could justly be applied to the protection enjoyed by the manufacturing and agricultural interest, it ought, in justice, to be applied in like manner to other great though partial interests protected by the constitution and the laws. He exemplified the great interests of the South, in the possession of the property peculiar to them:—protected by the immense advantage of representation upon this floor; protected by the stipulation in the constitution for the restitution of fugitive slaves; protected by the guaranty in the constitution to the owners of this species of property against domestic violence; protected by the establishment and maintenance of a standing army—all by means of laws burdensome to the manufacturing and free agricultural interest, which was nevertheless heavily taxed for their support. He exemplified the great interest of the new settlers of the West, protected, as well as the South, by the military establishment; protected also by laws and liberal appropriations from the treasury for defence against the Indian savages, of which we have had recent and memorable experience. He finally exemplified the great interest of commerce and navigation, protected by the establishment and support of the navy. The manufacturers and farmers, he observed, were all heavily taxed to support the burden of all these protective establishments; protective to interests which were not theirs; and they had just as good right to demand that the protection of the nation should be withdrawn from all those interests, as those whose interests were thus protected had to insist upon the withdrawal of the national protection from them.

Mr. A. said he was ashamed of detaining the committee so long; but he must be permitted to add one reason more why he should vote against this bill, and against its being reported to the House.

The bill had been partially amended in committee, and it was not, he confessed, quite so bad as when it came from the Committee of Ways and Means. But, still it could not be made palatable to him; and one reason for this was the injustice it contained toward one of the great interests of domestic industry, at the expense of another. Very special favor had been shown towards the article of iron, and, in vindication or apology, the committee told the House that iron was an article of prime necessity in time of war: on this ground they had assigned it a much higher rate of protection than was extended to woollens and cottons. This distinction, it was said, had come to the House with the recommendation of the President of the United States. But the ground assumed was totally fallacious.

Let it be remembered that the distinction was not made in favor of the instruments of war, but in favor of iron as a raw material. The only reason why special protection should be given to articles necessary in war was, that those articles could not, during a time of war, be obtained from abroad, as all articles of this description were pronounced by the law of nations to be contraband. All other articles might be imported, through the intervention of neutral flags, as freely during war as in peace; there was no necessary want of them. But articles contraband of war could not thus be transported under the protection of neutral flags, because they were liable to be captured by the belligerent parties. If our war should be with Great Britain, she might deprive us of these entirely, owing to her great power upon the ocean. This was the only reasonable ground on which a distinction could be made between this class of articles and others, in arranging a protective tariff. This was the reason why he had offered a resolution with a view to ascertain what were the articles which the President considered as entitled to exemption, as being of indispensable necessity in time of war. It had not, however, pleased the House to allow that question to be put to the Executive. The question, instead of being so simple a matter that every body could answer it, was as broad and wide as any question which could be proposed to the mind. The subject of centraband of war was one of perpetual disputation between Great Britain and the other nations of Europe, because she had a navy which gave her a preponderant power upon the ocean. Mr. A. asked, what are the articles contraband of war? We had two treaties which contained an enumeration of articles of this character, one of which gave the smallest list, and the other the most extensive which was recognised by the laws of nations. The first of these treaties was that with France, of the 6th of February, 1778, the first treaty to which the United States were ever a contracting party. The 24th article of this treaty contains the list of articles which the parties stipulated, in the event that either of them should thereafter be engaged in war, and the other neutral, to consider as contraband of war, and as such liable to be captured by the belligerent, when laden in the vessels of the neutral party. This list consists altogether of articles of immediate, and mostly of exclusive use in time of war, such as cannon, muskets, bombs, gunpowder, cannon and musket balls, and all other warlike instruments whatever. These are succeeded by a list of articles which the parties agreed should not be reckoned among contraband or prohibited goods, and this list, together with all manufactures woven of any wool, flax, silk, cotton, or any other materials, wearing apparel, and the stuffs whereof they are usually made, includes also gold and silver, coined or uncoined, tin, iron, &c.

Here the House would see that iron was declared to be not contraband of war.

Then we had another treaty with Great Britain, containing a much larger list of articles to be considered as contraband; it included many articles which were expressly excluded from the contraband list in the treaty with France. It was the treaty of the 19th of November, 1794, in the 10th article of which it was agreed that, under the denomination of contraband of war should be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, &c.; also, timber for shipbuilding, hemp, cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted. So that in our treaties with the two greatest maritime Powers of the world, in the largest and in the smallest list of contraband articles known among nations, iron is expressly excluded from that class. Why, then, should the committee have made a special provision for the protection of this article, leaving the duties upon it three or four times as great as those on cottons and woollens, on the ground that it was an article indispensable in war? Such a distinction had no foundation whatever in the principles on which it professed to be founded. Mr. A., however, had no desire to reduce the protection on this article. He hoped the gentleman from Georgia would not consider the remark as personal in its aim, when he said that it might have been possible that the bill was reported in this shape with the view of obtaining the vote and influence of the gentleman from Pennsylvania, [Mr. GILMORE,] who, being himself on the committee, was in a position which rendered his vote indispensable to the bill being reported, and who had made a speech in support of it. But Mr. A. must beg that gentleman to understand that if he suffered this bill to pass, the favorite article of Pennsylvania would be no otherwise spared than as the Cyclops had promised to Ulysses—that he should be the last to be devoured.

One word more on the subject of the ordinance of South Carolina. He had said, and he said still, that this issue

had been made by the convention of a part of the people of that State. They had declared to the people of the Union that they never would submit to the execution of a protective tariff. They had said this with solemn asseverations in the face of Heaven. Mr. A. gave full credit to their sincerity, and believed it to be an issue which the nation would have to meet. And if Congress should get rid of it now, it would come again hereafter. The question must be settled. One or other of the two parties must give way. The manufacturers and agriculturists must abandon the protective policy, or South Carolina must reconsider her determination never to submit to it. Mr. A. asked whether it was probable, should this bill pass, that South Carolina would be satisfied. Just so far as the pledge of protection was abandoned by it, just so far they would accept of it. But, what credit for concession will this Congress obtain with the nullifiers of the convention, even for the bill reported by the Committee of Ways and Means, should they give it their sanction? This might readily be inferred from a speech which he had seen in the public papers, delivered very recently by a gentleman who, he believed, had himself been a member of the convention. He would take the liberty of reading to the committee a paragraph of that speech. It says:

"Thus a general convention is the only measure to which the Government (meaning the National Government) can resort. If South Carolina will but retain her position, this is the inevitable issue; already, indeed, the effect of our measures—[please to observe, Mr. Chairman]—the effect of our measures has been strongly felt. The protective system reels under our blows. Last summer, the fear of that resistance, which we had announced--[remark, Mr. Chairman, the appeal to the conscious recollections of the House]—the fear of that resistance, which we had announced, drove them into a reduction; a cheat, it is true, that benefits them, not us. Still, it was an attempt to appease us—[Indeed! what next? a compliment, Mr. Chairman, for the Committee of Ways and Means, and this their soothing conciliatory bill;] and now, before one tittle of the reduction has gone into effect, comes upon the back of our late proceedings another offer of six millions more. These are certainly not bad instalments," [very certainly, not bad instalments.] "Let us go on then, and we shall get the whole debt."*

Mr. A. said he was assured beyond a doubt that all this was said in perfect sincerity and purity of heart; and that it indicated the spirit prevalent in the convention that issued the nullifying ordinance; the spirit ruling and domineering throughout the whole nullifying party. Was it on that account a reason with him for passing the bill? Certainly not: but directly the reverse.

There were some other topics touched upon by the gentleman from Virginia, upon which it had been Mr. A.'s intention to bestow some animadversions; but they were not very material, and the patience of the committee was very naturally wearing away. He would, therefore, refrain from any further remarks, and leave the bill at the disposal of the committee.

Mr. PATTON said he did not think that any thing had fallen from the gentleman from Massachusetts which demanded a particular reply from him, and certainly not in any spirit of recrimination. The gentleman has abstained from making any remarks personally offensive to me; and if he had not done so, I should probably have been disposed to adopt the course he has now pursued, and "begged him to excuse my salute." The remarks made by me the other day, which have given him personal offence, were, I thought, justified and called for by the character and spirit of his speech, to which they were intended to be a reply; but they were certainly not prompted by any sentiment of personal hostility to him.

There is one remark, however, that he has made, which it may be proper for me to notice. He seems to suppose that I undertake to represent the opinions of the State of Virginia upon all the interesting topics which recent events have brought into discussion. I indulge in no such presumption. I do not know that my opinions on these questions are those which are entertained by a majority of the people of Virginia. I do not even know that my opinions accord with those of my immediate constituents. In the absence of any distinct and precise knowledge of their opinions and wishes, I endeavor here to make up opinions for myself, and act on them deliberately, candidly, and independently.

I do not know that I belong to any "school of politics" in Virginia or elsewhere. I do not follow the dictation of any leader. My motto is—"*nullius addictus jurare in verba magistri;*" and I know that, in relation to some of the delicate and important questions which the present times have brought into debate, my opinions differ in some respects, not entirely unessential, from many of those with whom I in general agree in opinion, and with whom I am proud in general to act, and who are supposed to belong to the "school of politics" to which the gentleman has done me the honor to say he regrets to see that I belong.

There is one other remark made by the honorable gentleman, as to which I wish to say a word. He has thought proper to mention the name of Washington, as one of a "school of politics" in Virginia. No man can be prouder than I am that I am a citizen of that State which gave birth to "the Father of his country," the first, the last, the only Washington. He, sir, belonged to no party. He was above them all. Let us cherish his memory, as furnishing at least one example of a pure, single-minded patriot. Let no man draw water from the muddy pool of party politics to sprinkle on the snowy mantle of his fame, which is yet without spot or blemish.

And John Marshall, too. Does the gentleman suppose that there is any man more ready than I am to award the homage of sincere respect for the illustrious Chief Justice? The purity and consistency of his life and character have extorted from almost all men of all parties a sentiment of admiration. His head is the pride of his country; his heart an ornament of human nature. He is elevated by his high station, not more than by his own lofty virtue, above the contaminating atmosphere of faction by which he is surrounded—

> "Like some tall cliff that lifts its awful form,
> Swells from the vale and midway leaves the storm;
> Though rolling clouds around its base are spread,
> Eternal sunshine settles on its head."

But let me tell the gentleman that I remember too, with pride and exultation, that my native State is the birthplace of Jefferson, the apostle of liberty and the friend of man; the author of the Declaration of Independence; whose principles will be admired wherever liberty has an asylum, or freedom a votary; and of Madison, the author of the Virginia resolutions and report of 1799; than whom a purer patriot or a better man has never lived; and long may he live, but yet not outlive that constitution of which he is the last surviving signer; that constitution over which he still watches with more than parental anxiety and solicitude for its preservation, pure and undefiled.

As to the argument between the gentleman and myself, it is before the committee to judge between us. I will only remark as to the authorities now produced by the gentleman, that, as to most of them, particularly those taken from the debates in the Virginia convention, properly understood, they support my view of the subject;

* One of the members from South Carolina inquired if this extract was from a speech of Mr. Preston; and upon being informed that it was, said that Mr. Preston had not been a member of the nullifying convention. He is, however, one of the most distinguished men of the party, and a member of the Legislature which enacted the nullifying laws.

and, as to the rest, they depend upon the weight which is to be given to such general phrases as "the American people," "the whole people," "the people of the Union," &c. which may be found in abundance in every political treatise, essay, and fourth of July oration, when the attention of the author is not pointed to the particular question on which we are at issue. That question is, whether this constitution is a compact between sovereign States, or the constitution of a single Government, made by the people of all the States as one political community.

I certainly never intended to deny that this Government acted, and had a right to act, upon the individual citizens of the States. On the contrary, I stated substantially, if not in terms, that, in the exercise of its powers, the Government was partly national and partly federal, but that in its origin it was wholly federal; which is precisely the character given to it by Mr. Madison, who, among those having any title to be considered political teachers, is the one with whose opinions I believe my own accord more nearly than with those of any other "master," though I do not "swear to all his words."

Mr. DRAYTON also made a few remarks in reply to Mr. ADAMS; after which,

The committee rose, and reported the bill to the House with all the amendments.

The House then adjourned.

FRIDAY, FEBRUARY 8.

REVENUE COLLECTION BILL.

Mr. BELL, from the Committee on the Judiciary, reported "a bill more effectually providing for the execution of the revenue laws in certain cases, and for other purposes," accompanied by a report from the committee.

Mr. B. said he deemed it proper, in making this report, to state that the provisions of the bill, as well as many of the sentiments expressed in the report, had received the assent of a majority of the committee merely; the minority had agreed that the bill should be reported to the House, but did not think that its provisions went far enough to meet the exigency: they concurred in some of the sentiments expressed in the report accompanying the bill, but there were others to which they could not give their assent. The minority had it under consideration whether they should present to the House a counter report or not; in that matter they would of course act their pleasure.

Mr. ELLSWORTH said that the chairman had correctly stated the facts in relation to the minority of the committee. Mr. E. was one of the minority, and did not think that the bill was such as to meet the exigencies of the times.

Mr. BEARDSLEY agreed to the statement of the chairman, but was himself one of the minority who agreed to the bill.

The bill was read at the Clerk's table.

Mr. FOSTER stated that very great difficulty had been experienced in the committee in arriving at any bill at all which should meet the views of every member of it: that now reported came nearer to doing so than any they had had under consideration; and the majority had given their consent to its being reported, in order that the House might have some bill before it.

Mr. COULTER called for the reading of the report accompanying the bill.

Mr. ARNOLD objected.

Mr. GORDON said that, while he had given his assent that the bill should be reported, he had reserved to himself, elsewhere and here, the liberty of going against any and all of its provisions. He considered legislation, in such a case, as a delicate and difficult task, and he could not give his assent to the measure proposed until he had time for more mature reflection, and had all the best light that he could obtain to guide him. He held the wisest mode of resistance to the spirit now prevailing in South Carolina was to meet it by a spirit of conciliation; to meet the crisis arising from the oppressions of the Government by showing a disposition to relieve them.

The report was read, and the bill and report were referred to a Committee of the Whole House on the state of the Union, and ordered to be printed.

MATTHEW LYON.

The House again took up the bill for the relief of the descendants of Matthew Lyon; and a debate, of much the same character as that heretofore reported, took place.

On motion of Mr. ALEXANDER, that clause of the bill which contains an allowance of interest (on the sum paid by Mr. Lyon as a fine under the sedition law) was stricken out: Yeas 86.

Mr. SLADE, of Vermont, said he well remembered that the friends of Colonel Lyon assembled, in great numbers, at the prison, at the time of his discharge, with ample means to pay his fine, and with a determination to do it, if necessary; and that he had recently received a communication from a gentleman in his district, saying that it was the impression of the surviving democrats of 1798, in that quarter, that the fine was paid by Lyon's friends.

The debate was further continued by Messrs. SLADE, WICKLIFFE and DANIEL; when

Mr. VINTON moved to recommit the bill, with instructions to inquire into the facts respecting the payment of the money.

The motion failed: Yeas 59.

Mr. BARRINGER then went into a quotation of the proceedings had in the Senate relative to this claim, where memorials had been frequently presented, and even a bill reported, but the memorials had had no effect, and the bill had been laid on the table without a count.

Mr. THOMAS, of Louisiana, Mr. THOMSON, of Ohio, and Mr. DRAPER, of Virginia, spoke in reply; when

The hour allotted to morning business expired, and the House passed to the consideration of the

TARIFF BILL,

With the amendments thereto reported by the Committee of the Whole yesterday.

Mr. H. EVERETT moved to postpone the further consideration of the bill until Monday next, and urged as a reason, that the comparative statements, showing the effects of the different tariff bills, had not yet been received from the Treasury Department in pursuance of the call upon it.

Mr. WICKLIFFE wished the House to be fuller before the vote on postponement was taken.

Mr. CLAY, of Alabama, moved a call of the House.

The House was called accordingly, and the yeas and nays were then taken on Mr. EVERETT'S motion of postponement, and negatived: Yeas 51, nays 145.

The bill was then taken up; and the question being on the first amendment reported from the committee, viz. to strike out the word "worsted" before "twist and yarn" in the first section of the bill, which imposes a duty on raw wool and woollen yarn of forty per cent. ad valorem, and four cents a pound, (to be afterwards diminished,)

The amendment was opposed by Mr. HOFFMAN, Mr. ROOT, and Mr. H. EVERETT, and advocated by Mr. PENDLETON and Mr. DEARBORN, on the ground that this worsted yarn was useful in the making of stockings and bombasin, and could be made only from a species of wool not in this country.

The amendment was opposed as opening a door to the importation of English wool almost duty free, and as encouraging foreign in preference to American industry.

The amendment was rejected without a count.

Mr. ROOT now moved to amend the bill, so as to stop

the reduction of the duty on wool at the point of thirty per cent. ad valorem, and two cents per pound specific, (after March, in the year 1835.)

Mr. BEARDSLEY opposed the amendment, as destroying the just proportion between the duty on wool and woollens.

Mr. ROOT replied, and supported his amendment. If the ratio between wool and woollens should be disturbed by this change, there would be an opportunity to restore it when the House came to the next section on woollens.

Mr. BATES, of Massachusetts, supported the amendment, and contended that there was no necessity of admitting foreign wool in any case.

Mr. WILDE said that the compound duty, as it now stood amended, would range through the different years as follows: fifty-four, forty-five and a half, thirty-seven, and twenty-eight and a half per cent. The present amendment omitted the last step in this series. Great Britain imported foreign wool, and ought not we?

Mr. BATES said no: as our wool was much finer than the English.

Mr. McKENNAN advocated the amendment, and referred to the duty fixed last year at between sixty and seventy per cent.

Mr. DAYAN was also in favor of it; though he insisted that any protection short of the bill of last year would be totally useless to the wool-growing interest.

Mr. BATES, of Maine, said he was himself a wool grower, and should blush to ask more duty than was proposed by the present amendment. Though he had produced so large an amount of domestic wool, two-thirds of it was consumed in household manufacture, and would not be affected by the duty one way or the other.

Mr. H. EVERETT was in favor of the amendment, and demanded the yeas and nays.

Mr. CRAIG went into some general reflections on the effect of great changes of policy, however salutary, as being always attended with present partial injury, and thought this answer applied generally to all the objections urged against lowering the tariff. If one interest was benefited by it, another must be depressed; nor was this depression confined to foreigners, but shared by part of our own people. He argued to show that it was impossible, under any circumstances, for any manufacture, which had been firmly established, to go down, even if all protection should be removed, because the capacity of the country to import would soon find its level, and then importation would cease.

Mr. BEARDSLEY observed that the honorable gentleman from Pennsylvania [Mr. McKennan] had remarked that the present Congress, by the law of last July, had expressed an opinion that four cents upon each pound, and forty per cent. on the value of imported wool, were but a proper rate of duty for that article, and he had asked, what evidence is now furnished to justify a change in that opinion? It should be kept in mind, said Mr. B., that the judgment of the House, as proved by the act referred to, was simply upon the proper rate of duty for the present year; it did not profess to fix the duty permanently at the rate indicated in that act. That act made no provision for a prospective and gradual reduction, as is contemplated by the amendment which he had submitted. The rate of duty was also fixed by the act of July, upon the supposition that that act would yield the amount of duties necessary for the actual wants of the Government, and no more. Yet the House had been advised by the Secretary of the Treasury, that, so far from reducing the duties down to what would be required for the legitimate and fair purposes of the Government, that act would in fact bring into the treasury an excess of six millions of dollars. He was not aware that this opinion of the Secretary had been seriously questioned in this House, or that its accuracy could well be doubted. The subject therefore seemed to him to be presented at this time in a new aspect; one which left the House uncommitted by the act of July; and it became necessary to inquire whether those who were favorable to the encouragement of American labor, could now reasonably expect to make the present rates of duty on protected articles permanent, or, on the other hand, whether they would not, one and all, admit the propriety of a gradual reduction upon these as well as every other description of imports.

He was decidedly adverse to making the rates of duty equal upon all imports: he had no constitutional difficulties in this respect, and would discriminate in favor of American labor and capital; but, in doing so, he would endeavor, while the system operated beneficially in one region of the country, that it should not be made to press unjustly upon another. The public debt was regarded as paid off; our trade and commerce were increasing; the aggregate amount of imports was greatly augmented, and would rise higher and higher, every year, while the aggregate of duties was at this time to be greatly diminished. The amendment he had proposed did not contemplate any reduction of the duty upon the article of wool during the present year. Reduction would not commence until March, 1834, and could not therefore essentially affect any business arrangements which had taken place since the act of July, and he did not believe that we could expect for a longer time to keep up the rates of protection secured by that act. He had not only proposed a gradual reduction upon wool, after the present year, but had offered similar amendments to the duty upon the manufactures of wool and cotton. These amendments, would in due time come up for the decision of the House.

An honorable gentleman from Massachusetts [Mr. Bates] had said that there was no reason whatever for any reduction upon the raw article, as it might be produced to any extent in our own country. This remark, said Mr. B., applies with about equal force to every article which we produce and manufacture: to iron and cotton, as well as to wool. We have inexhaustible supplies of iron ore, and cotton may be produced in almost any quantity in this country. If the capacity to furnish a full domestic supply is alone a sufficient reason for continuing the present rates of duty, that reason will probably never cease to exist. That reason would carry us at once to prohibition. On this ground we might regard the present rates as permanent, and that without the least reference to the amount of duty which it may be necessary to impose for the purposes of Government. Mr. B. said he did not look upon the system as thus established. He was as desirous as any member of the House to preserve the manufacturing establishments of the country, and to encourage its agricultural interests. He had not given a vote in hostility to those interests, nor would he. He, however, regarded a competition with foreigners, under proper limitations, and with suitable advantages on the part of our own citizens, as perfectly compatible with a hearty devotion to domestic interests, and indeed as indispensable to the equal operation of the tariff system.

He did not design to occupy much of the time of the House, but, with permission, would proceed to make a few suggestions upon the remark of the honorable gentleman from Massachusetts.

The more ardent supporters of a tariff for protection, said Mr. B., one and all, argue after this manner: Give adequate protection to American industry, and you invite capital to every occupation and pursuit thus encouraged. Capital employed to stimulate and reward labor, increases competition, until this competition amongst capitalists and laborers brings the price of the manufactured article down to the lowest point at which it can be afforded by the best efforts of industry and skill.

This argument, said Mr. B., appears to me just in its

full extent, in its application amongst ourselves. We certainly can thus produce any manufactured article as low as it can be afforded by the most discreet employment of American capital and the highest efforts of American enterprise and ingenuity. But it by no means follows that we can thus reduce prices to those of the manufacturers of Europe. Indeed, while capital in Europe is plenty and cheap, and while labor is there very low in comparison with the wages paid here, it is certain that for most manufactures we must pay higher for the domestic article than we should have to pay for that imported from abroad, and subject to an ordinary revenue duty only. This remark is more or less just in its application, according to the amount of capital and manual labor which enters into the value of the manufactured article. Some articles, as ordinary cotton goods, it must be admitted, may be produced here, about as low as in any part of the world. The reason is obvious. The principal value of the article is the raw material: its manufacture is almost exclusively by machinery: manual labor enters very little into the price at which it can be afforded. Hence, this article, sir, might now probably defy all fair, foreign competition. It is exported from this country, and sold, as I understand, at a good profit in foreign markets. It is far otherwise, however, sir, with those manufactures in which manual labor is a principal part of the expense of the article. Competition, therefore, will not necessarily bring prices here to a level with those in Europe. We must pay more than is paid there, while wages and capital continue to be so much better rewarded in the United States than in Europe.

Mr. B. said he presumed no gentleman on this floor would ever desire to see American labor reduced in its reward to the low pittance which it receives in most foreign countries. He did not suppose that any such feeling existed in this House, or elsewhere. He was confident that he spoke the feeling of his constituents when he declared that they were, one and all, not only willing, but desirous, that honest industry, in any and every department and occupation of life, should receive its just reward—a reward, which shall enable every one, who is blessed with health and strength and ordinary sagacity and forecast, to enjoy that fair proportion of the good things of this life, which is proper for a mortal body and an immortal spirit. Thou shalt not wrong or oppress the poor. Honest labor should secure an honest and a plenteous reward.

Mr. B. said he did not doubt that such were the feelings of his countrymen in every section of the Union, yet he must admit that they might, with some reason, object to that State policy which imposed the necessity of engaging in employments which could only be successfully conducted by the exaction of high and disproportionate prices. For ourselves, we have a right to be generous: but for our constituents and our country, our first duty is to be just.

It must be admitted, sir, said Mr. B., that the manufacturing regions, the Northern and Middle States, are in the main highly prosperous under the operation of this system. Labor of every description commands a high price, and the productions of agriculture, in general, find ready and advantageous markets. In these respects, it is certain that the manufacturing regions enjoy great advantages when compared with other sections of our country. Hence the ability of these regions to pay the enhanced prices of domestic manufactures. Domestic labor of every description secures a higher compensation: and almost every production of the soil is at the same time advanced in value. The grower of wool sells the clippings of his flock at a better price: a price depending exclusively upon the home market. Wool is not exported: its value in the United States, therefore, depends very little upon the price of the article in other countries. In most, if not indeed in all foreign countries, it sells at a price considerably below what it commands here.

Such, sir, said Mr. B., is the effect of this system in the Northern and Middle regions of the Union. It stimulates, more or less, every species of labor; gives life and activity to every description of business, and, in insuring a higher reward to the products of agriculture, equalizes the operation of the system amongst all classes of persons. If it is not so; if indeed it adds only to the price of manufacturing labor and to the value of manufacturing capital; if these constitute the sum and substance of the system in the manufacturing regions, then it is thereby palpably unequal and unjust in its operation upon different classes of citizens. But he made no such charge against the system. If it enhanced the prices of the protected articles, it had a like effect upon the agricultural products and upon every description of labor. He believed that prices were so adjusted in these regions, that the system operated with reasonable equality and justice upon every description of persons.

Is such its effect at the South? This appears to me to be the important question. The staples of the South are cotton, rice, tobacco. These, amounting to about two-thirds of the full value of the exports of American products, are sent forth into the general market of the world to find purchasers. The domestic market for these products is not superior to the foreign. Mr. B. said he was not aware that they sell more advantageously at home than they do abroad. He did not perceive in what manner the manufacture in the United States of cotton, iron, or wool, had any considerable effect in augmenting the price of those productions of the South. It was true that the cultivation of sugar cane, and the manufacture of sugar, did give some encouragement to a particular species of Southern labor, and probably had some little effect upon the value of cotton. The sugar plantations were well adapted to the cultivation of that product. The employment of a part of the Southern labor and capital in the production of sugar, instead of devoting it exclusively to that of cotton, no doubt had an influence more or less beneficial in favor of the cotton planter. Yet, looking at the effect of the protective policy upon the various interests and sections of the Union, he was constrained to say that he believed its advantages were decidedly in favor of the Northern and Middle States.

To illustrate this idea, said Mr. B., let us suppose the duty on protected articles to be fifty per cent.; that we import twenty millions in value of such goods annually, and manufacture a like amount of similar articles at home. The duty of fifty per cent. on the amount imported, would carry ten millions of dollars into the treasury. Upon the old idea, and which he supposed to be correct, the ten millions of duty would be added to the twenty millions in value of these imports, and they would in fact sell to the consumers at thirty millions, exclusive of profits. But the domestic articles would also sell at the same advanced price: so that the twenty millions manufactured at home would in fact also sell for thirty millions. Thus, sir, these articles, the foreign and domestic, would be enhanced in price and value by the operation of this system, twenty millions of dollars. Of this twenty millions, one-half only would pass into the treasury; the remaining ten millions would be the amount of protection given to the industry and products of our own country. To be sure, said Mr. B., all this is erroneous, if the modern idea that the Southern producer of exports pays all the duties on imports into the United States: but if these duties are paid by the consumers, then he must insist that the view he had presented was substantially just.

The population of the Northern and Middle States do, unquestionably, consume their full proportion of all the productions of skill, of science, and the arts. So far, sir, they will pay their full share of the twenty millions which

he had supposed to be the enhanced value of protected articles, under the operation of this system; and they are abundantly able to do so. The same policy which gives a higher compensation to the manufacturer, affords a like advantage to the farmer and mechanic, and indeed to every occupation and profession in the manufacturing States. But he could not discover what advantage, equivalent to the enhanced price of protected articles, is given to the Southern purchaser and consumer of this species of property. There are no manufactures at the South; at least none of any consequence. The mass of Southern labor is exerted in the production of cotton, rice, and tobacco. If these are not enhanced in value, then the system, while it imposes burdens, does not carry with it correspondent benefits. It must therefore be more or less unequal; if unequal, that inequality is so far unjust, and it should, as he thought, be the anxious desire, as he conceived it to be the imperious duty, of every member of the House to correct that inequality.

With this view, he had, at the last session, voted for the admission of certain descriptions of coarse woollen cloths at the very low rate of five per cent. duty upon the value. The House had then been told that these cloths were of general use for the clothing of a certain description of the Southern population. That provision, in the bill of last July, had been advocated and sustained as advantageous to the South. The North had not called for it: it was a discrimination then supposed to be favorable, more or less; he did not speak of the extent of the advantage, but it was supposed to be especially favorable to the agricultural interests at the South. He still hoped it would be found so; although some indications had recently been given in this hall, that its continuance was not desired by many of those who had, at the last session, given their support to the measure. Mr. B. said that, notwithstanding these indications, he believed that the low rate of duty upon coarse cloths could not fail to be beneficial to the planting interest. It would cheapen coarse clothing, an item of no trifling consequence to the owners of large estates. He could wish that there were other articles of general and peculiar demand at the South, and to which the same principle might be applied. The tendency would be to equalize the system. While the manufacturing region, as a whole, is improved and invigorated, these discriminations in favor of other sections of the Union would be but sheer justice. But he was not aware that there was any other imported article or commodity, which would fall within the reason of the rule that had been applied to coarse woollen cloths. We must, then, seek in some other measure to equalize the operation of this system. The Northern capitalists, the Northern farmers, and the Northern laborers, are too just and too generous to ask or receive profit at the expense of other regions. Equality is equity; they ask no more from the legislation of Congress. To industry, economy, and enterprise, with a firm reliance on Providence, they are willing to confide the rest.

It is scarcely to be credited, said Mr. B., that any system really equal in its operation should be so universally condemned as this is, south of the Potomac. It surely cannot conduce to their prosperity, as it does to ours. They have for years strongly and unitedly opposed it as unequal. So intense, so enduring, and so unanimous a judgment, and that not of the people of a single State, but of several contiguous States, cannot well be wholly destitute of foundation. We are at least bound to admit that, in the main, it is an opinion honestly formed, although doubtless greatly aggravated by the arts of ambitious and unprincipled demagogues. A whole people, however, cannot, without some actual injury, be goaded into so general an execration of any system. We might respect even honest prejudices, and should surely attempt to relieve every well-grounded cause of complaint. All this is due to the spirit of our institutions; and it is only by thus acting, in simplicity and truth, that we can hope to see these States united by that firmest of all ties, a general and common interest of the whole in the preservation of every part.

Mr. B. said he did not intend by these remarks to adopt or concur in the idea, that this system had reduced the South to that degree of wretchedness and poverty which its orators had ascribed to it. Very far from it: the picture was too highly colored: it could not, and did not command his assent. The unequal pressure of the system upon the two sections of our country he believed to exist, yet he also hoped and believed that the South was still substantially prosperous, and that it might ever remain so.

Mr. B. said that this inequality in the pressure of the system was with him cause enough for desiring that it should undergo some change. But he did not think that the condition of the country, looking at its different regions, and the actual state of existing establishments, would demand or justify any sudden and violent change in the protective policy. He desired, however, to see a change commenced within some short period. Make it gradual—slow—yet certain. He believed this might be done without essential injury to any section or interest in the Union. It might, to some moderate extent, reduce the profits of capital and the wages of labor. He, however, believed that its influence in these respects, under the operation of the proposed reduction, would scarcely be felt. If the price of domestic manufactures was thus reduced, the reduction would be very small in any one year. And we should bear in mind that if this reduction is felt as a loss to us, it is felt as a gain elsewhere. That thus we equalize the operation of an arbitrary system, making its burdens and its blessings felt as far as practicable in every region, and by every individual of this vast and diversified country.

A word, sir, as to South Carolina. We are advised not to pass any bill at this time, lest it should be supposed that Congress is coerced by her menacing attitude. Mr. B. said he would not concede any thing to the posture or the threats of that State; on the other hand, he would not thus be deterred from adopting a measure strictly proper of itself. South Carolina alone had assumed an attitude of force and defiance. But twenty-three States against one were "fearful odds." This body, he thought, might do its duty without the slightest ground to apprehend that improper motives would be imputed. The resistance to the laws, threatened by South Carolina, was a distinct question, and one which would probably secure the early, and, he trusted, the decided action of this House. He would add, that if there really was any cause to apprehend that the permanence of the Union was at this time endangered, it arose, in his judgment, not from the posture of South Carolina—that alone could not excite any such apprehension—but from a deep-rooted and general opinion at the South, that their interests are not identical with those of the North; that the policy, which is deemed by a majority to be of general utility, operates, in fact, in their region, as a burden rather than a relief. From this conviction, general as it now is, universal as it may become, and sharpened and exasperated in its progress, he would not deny that we had some ground to look, at no distant day, for formidable and portentous consequences. He would not anticipate or dwell upon them; he was, however, free to say, that they did not lessen his very sincere desire to see the whole subject adjusted in a manner which may satisfy honest public opinion, and do substantial justice to every interest and section of our common country.

Mr. DAVIS, of Massachusetts, then rose, and said: It is worth our while, before we vote on this measure, as it is the first, and will be followed by others of like character, to

understand what principles we act upon. The amendment proposes to reduce the duty on wool in three years to 25 per cent ad valorem; and the amendment to the amendment proposes to leave that duty at 30 per cent. He should, he thought, vote for both, not because he approved of them, or considered them as suitable acts of legislation for this Government to adopt, but because he considered them more favorable to the great agricultural interests of the country than the bill; and this was the only reason why he should give them his support, if he gave it at all.

He would, while up, take the occasion to say that probably few members on the floor felt more anxious than he had to see this all-stirring subject settled; to see national harmony restored, and the jarring opinions, if possible, reconciled. He had from the outset entertained this sentiment; and while all around him seemed to concur in it, and seemed anxious to allay excitement, and to cherish better feeling, it gave him pain to observe that the House, after more than four weeks of intense labor, had approximated little towards it; indeed, he said, the signs of the times were such that he despaired of any reasonable adjustment.

He saw the bill of the Committee of Ways and Means execrated throughout the country as a measure unsuitable to be the basis of future revenue. He used no harsher language than facts justified, for it gives satisfaction nowhere in the portions of the Union attached to the protection of our industry; and he was equally confident it was reprobated where he supposed it was designed to give contentment. We had now had it under consideration a month, had endeavored to amend, alter, adjust, and bring it into an acceptable form. We had labored early and late, and what had it all come to? Would any one say we are now apparently any nearer to the object of desire than when we commenced? Every motion, every proposition to modify this bill, unsatisfactory as its provisions are, has been steadily and resolutely resisted by the South, and we have this painful evidence that no better propositions, no terms more just and beneficial to the country, are to be offered to us. The bill, therefore, and nothing else, has the approbation of those opposed to the tariff. We have, therefore, he observed, no alternative left, but to resist a measure so unjust and injurious; and this, for one, he should do to the last, if it were not improved.

The SPEAKER. The gentleman from Massachusetts must confine his remarks to the amendment.

Mr. D. inquired if it was not in order for him to argue that the proposed decrease of duty was impolitic, and bad legislation.

The SPEAKER assented to this.

Mr. D. observed he believed he had confined himself within the strictest rules of order, and should continue so to do. He had spoken at large, on a preceding day, of the injurious policy of reducing wages, and of the pernicious tendency it had to make a poor, ignorant, and miserable population, like that of Europe. He had said that duties could not be reduced on protected articles without producing this effect to an extent proportioned to the reduction; and this would not reach manufacturers alone, but all laborers in the country. He had, therefore, said a question of reduction was one of serious import, and should be well considered. And he would now inquire if the avowed object of this bill was not a reduction of revenue, because there would be a surplus in the treasury. He did not concur with the gentleman from New York, [Mr. BEARDSLEY,] that we had any evidence before us of such an excess of revenue. The Secretary of the Treasury proved to us last summer, if the bill then passed, which did become a law, that it would raise only a revenue of $12,000,000; but he now alleges, only a few months having elapsed, that it will produce $18,000,000. It is not easy to understand his reasons for this change of estimates; nor is it easy to settle which opinion is entitled to most consideration. If it will raise no more than $12,000,000, the Government will need that sum, and there is no occasion for further reduction. The Secretary, however, does not pretend that even if the sum of $18,000,000 is raised, that there would be any surplus this year, for the whole will be absorbed by the demands of the Government. No excess can accrue, therefore, before the close of the year 1834, and it is by his statement problematical whether there will be any then. Why should we be pressed so urgently on this subject now, as if it was a matter of certainty, when it is only a contingent? Why should we be forced to go forward blindfold—to grope along a path which the Secretary himself seems not able to point out with any certain knowledge? Yet this reduction is alleged to be the main object of the bill, and we are urged to act here as if we knew that the laws would place in the treasury six millions of surplus revenue in 1834; and this is the reason pressed unceasingly upon us to pass the bill.

Such matters, he said, as came properly before us, he was willing to consider. The public debt was nearly paid off, and we shall consequently have less occasion for money; we must therefore raise less than we hitherto have done; but we had not been unmindful of this event, and had prepared for it by lessening the revenue ten or twelve millions in a short period. He admitted that the argument against an accumulating surplus in the treasury was sound, and did not deny that the Government must be limited in its income to its necessary expenditures; but the enemies of American industry insist on lessening the protection of the laborer, on the ground of a surplus. He desired assurance of the existence of such surplus; before he acted on this question, he wished to be made reasonably certain that hostility to our industry did not outrun all other considerations.

In voting, he said he should keep these considerations steadily in view, and would reiterate that he should support no bill that abandoned the principle of protection. In reducing the revenue, let us, he said, understand what we do, and upon what principles we act. It seems to be assumed here, that the only mode of reducing revenue is to reduce all duties on imports equally. He protested against this, as a false, unsound theory, designed to destroy, by its insidious action, the protective doctrine, without accomplishing the object it professed to have in view. The bill before us, which is recommended because it is alleged to be necessary to reduce revenue, contains items that by this process will increase, instead of diminishing revenue. Take, for example, ardent spirits, the duty on which is perhaps one hundred and fifty per cent., and suppose this duty reduced to seventy-five per cent., will not the importations which are now restrained by the very high duty be so increased as to increase the revenue? The Committee of Ways and Means, he said he believed, admitted that this would be the result. The same may be said of other articles.

Mr. WILDE rose, and inquired if it was in order to discuss the whole subject.

The SPEAKER said, no; the argument must be confined to the amendment.

Mr. DAVIS desired to be informed if it was not in order to show the impolicy of reducing duties on wool in the manner proposed.

The SPEAKER replied, yes. [There was a cry from different quarters, "go on—go on."] The argument he had used was to that point. The general proposition is to reduce the revenue, and to accomplish this object the amendment proposes to reduce the duty on wool. To this, he, in the form in which it stood, was opposed, and his argument he considered direct and legitimate for this purpose. [The SPEAKER nodded assent.] Certain and fixed

principles, he said, ought to govern us in this and all votes that we give on this and all other propositions for reduction; and at the head should stand constantly the principle of protecting American industry; no measure should meet with countenance that aims to abolish this.

The gentleman from New York [Mr. Beardsley] said the only wise way to reduce is to do it gradually. With that gentleman, he said, he concurred thus far; but we ought to look as well at what we had done as to what we were called on to do. In July last, Congress considered this matter with the most anxious and deliberate attention, and lowered the duty greatly, and this should not escape observation, as any attempt to descend further may be attended with great peril, and may be followed by grievous calamity. Notwithstanding this, he observed, greater reductions were demanded to compose the irritated state of feeling which is alleged to exist in the country; and how can it be done? If done at all, it can be accomplished in but one way, without violence to private rights, and great private suffering. It must be gradual—very gradual—and a long time, and arranged with great judgment and discretion. There is an immense interest at stake, and the prosperity, nay, almost the existence of a vast population involved in it, and it should be approached with caution, and changes affecting it made with sound judgment. What, he said, he would repeat, do you propose to do? Last July a great change was made, but the law goes into operation in March next; that change which was a reduction of 20 per cent. of the present duties on wool is still future, and will Congress add to it the present proposed reduction of 15 per cent. of the duties of 1832? Can the country bear this? for it is to be followed up on woollens and other articles. Will the wool grower be satisfied to have his property made thus the sport of this body? But this is not all, for this reduction is to continue for three years after the same rate. This is not gradual, but rapid —very rapid—and full of hazard. The time is not long enough, especially for men in debt. The descent should be slow; the annual reduction so small, that, by increased skill and economy, men may not only exert themselves, but may succeed in meeting it. If, he said, you descend 16 or 20 per cent. in a year, they will sit down in despair, being unable to grapple with it. Men should have time to prepare for changes in their business. This proposition of the gentleman from New York goes by long strides; it is very hurried; and though, said he, the principle is the right one, yet the details are objectionable.

He said he had occupied the attention of the House much longer than he intended when he rose. He would not, in conclusion, say the wool growers or the manufacturers would bear any change from the bill of '32, without hard pressure and suffering. He believed they would not, but hoped they would willingly make great sacrifices for repose. They were wearied with this endless warfare. And, believing such to be their feelings, he should, for one, take the responsibility of voting a judicious and gradual reduction, if the discontented would sit down and be at peace under it; otherwise, he would not lift his finger to carry any measure through. He rose to express these general views, that his course on this, and the measures which will succeed, might be understood. He did not propose, at present, to introduce any measure, but hoped, if the South desired, as they had often expressed themselves, to save our manufactures, and, at the same time, to compose all controversy, that some gentleman from that quarter would offer something besides this bill, which no man in favor of protection can support.

The question was now taken, and decided by yeas and nays as follows: Yeas 100, nays 87.

So Mr. Root's amendment was carried.

Mr. STEWART now moved further to amend, so as to leave the duty on wool as by the law of 1832, viz. 40 per cent. ad valorem, and 4 cents per pound specific, and supported his motion by a short speech, insisting that, should the bill stand without further amendment, the importation of wool would be doubled.

Mr. WILDE considered the vote last taken as an index of what was to be the ultimate fate of the bill. Yet he would notice some of the steps in the process of its gradual rejection. He then went into a calculation to show what were the profits of the wool growers of the North, the result of which was, that at the price of 35 cents for wool they make a profit of 18 or 19 per cent.

Mr. PENDLETON scouted these calculations as wholly erroneous, three sheep having been taken as the average to an acre, whereas the average was less than two. The gentleman had allowed $30 for the expense of keeping 100 sheep for a year; while the hay alone they consumed in winter was worth $75.

Mr. BATES, of Massachusetts, said he was in the habit of paying $1 50 a piece for the keeping of his sheep, so that 100 would cost 150 instead of 30 dollars.

Mr. SLADE said the gentleman had allowed nothing for the loss by disease.

The question was now taken on Mr. Stewart's amendment, and decided by yeas and nays as follows: Yeas 85, nays 99.

So the amendment was rejected.

The question was then put on the amendment reported by the committee as amended, on motion of Mr. ROOT, and decided by yeas and nays as follows:

YEAS—Messrs. Adams, Allen, Allison, Arnold, Ashley, Babcock, Banks, Barber, Barstow, Isaac C. Bates, Briggs, Brodhead, Bucher, Bullard, Burd, Cahoon, Chandler, Choate, Collier, Condict, Condit, E. Cooke, B. Cooke, Corwin, Crane, Crawford, Creighton, J. Davis, Dearborn, Denny, Dewart, Dickson, Duncan, Ellsworth, G. Evans, J. Evans, E. Everett, H. Everett, Ford, Grennell, H. Hall, Hiester, Hodges, Hughes, Huntington, Ihrie, Ingersoll, Irvin, Jewett, J. Johnson, Kendall, Kennon, J. King, H. King, Leavitt, Letcher, Marshall, Maxwell, McCarty, R. McCoy, McKennan, Mercer, Milligan, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Potts, Randolph, J. Reed, Root, Russel, Semmes, Slade, Spence, Stanbery, Stephens, Stewart, Storrs, Sutherland, Taylor, P. Thomas, J. Thomson, Tompkins, Tracy, Vance, Wardwell, Washington, Watmough, Weeks, Wilkin, Wheeler, E. Whittlesey, F. Whittlesey, E. D. White, Wickliffe, Young—97.

NAYS—Messrs. Adair, Alexander, Robert Allen, Anderson, Angel, Archer, John S. Barbour, Barnwell, Barringer, James Bates, Beardsley, Bell, Bergen, Bethune, John Blair, Bouck, Bouldin, Cambreleng, Carson, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Coulter, Craig, Davenport, Warren R. Davis, Doubleday, Drayton, Draper, Felder, Findlay, Fitzgerald, Foster, Gaither, Gilmore, Gordon, Griffin, Thomas H. Hall, William Hall, Harper, Hawes, Hawkins, Hoffman, Horn, Howard, Hubbard, Isacks, Jarvis, Jenifer, R. M. Johnson, Cave Johnson, Kavanagh, Kerr, Lamar, Lansing, Lecompte, Lent, Lewis, Mardis, Mason, William McCoy, McDuffie, McIntire, McKay, Newnan, Nuckolls, Patton, Polk, E. C. Reed, Rencher, Roane, W. B. Shepard, A. H. Shepperd, Smith, Soule, Speight, Standifer, Francis Thomas, W. Thompson, Verplanck, Wayne, C. P. White, Wilde, Williams, Worthington—88.

[This section of the bill, therefore, stood thus: on wool worth 8 cents a pound, and on woollen twist and yarn, 4 cents specific and 40 per cent. ad valorem, until the 2d of March, 1834; then 3 cents and 35 per cent. till 1835; and then 2 cents and 30 per cent. permanent.]

The House then adjourned.

SATURDAY, FEBRUARY 9.

THE NAVAL SERVICE.

On motion of Mr. VERPLANCK, the House went into Committee of the Whole, Mr. WARD in the chair, on the bill making appropriations for the naval service for the year 1833.

Various amendments were proposed and adopted.

Mr. WICKLIFFE said the time had arrived when it had become necessary to limit the discretionary power of appointing midshipmen, which was now exercised by the Secretary of the Navy. It appeared by the navy register that the present number was upwards of 450, which might be indefinitely increased at the discretion of the head of the Navy Department. No limitation existed as to the number excepting the amount of the appropriations. Within the last two years it appeared that a large number of appointments had been made. He moved an amendment to the bill providing that the number of midshipmen should not be increased until otherwise ordered by law.

Mr. ANDERSON was not prepared to support such an amendment until the facts to which it related were laid before the House. If the gentleman would move a resolution calling for those facts, he should have his vote in favor of the call. There might be too great a number of mi lshipmen in the navy; but there were many circumstances relative to their number which should be taken into view before it was definitely fixed by law. It was a fact well known to all acquainted with the naval service, that a considerable proportion of the midshipmen who were appointed, after going to sea and ascertaining the nature and hardships of the duties imposed upon them, had left the service, and gone into other pursuits more congenial to their tastes or their constitutions. Others, after going to sea for the period required by the rules of the department, were not found to be qualified to pass the rigid examination to which they were subjected before they could receive promotion, and either resigned or were dismissed from the service. The precise number of midshipmen which might be required he was unable to fix without information from the department. He could not vote for the amendment until the necessary facts should be laid before the House.

Mr. WICKLIFFE did not propose to diminish the present number of midshipmen by the amendment, or restrain the head of the department from filling up such vacancies as might occur from the causes suggested by the gentleman from Maine, [Mr. ANDERSON.] If gentlemen were disposed to wait until an answer to a call for information should be obtained, and a bill founded upon such information could be carried through both Houses of Congress, they would probably wait a considerable period. He regarded the present as a proper occasion to provide against the further increase of this class of officers: while we were reducing the number of vessels in commission, he could perceive no propriety in adding to the number of officers.

Mr. DEARBORN said the House would not presume that the power which had, ever since the establishment of the navy, been placed in the head of the department, would now be wantonly abused or improperly exercised. At least there was no testimony that would lead the House to act upon such a presumption. If the gentleman from Kentucky [Mr. WICKLIFFE] thinks that too many appointments have been made, or that any had been improperly made, the usual course of proceedings was to call for information on the subject. The House would not act upon the ground that power hitherto lodged in an officer of the Government had been abused, without some facts to sustain it. He hoped the amendment would not prevail.

Mr. HOFFMAN had occasion to examine this subject heretofore, and was satisfied that the number of naval officers now in service exceeded the wants of the navy in time of peace. But he could inform the gentleman from Kentucky, [Mr. WICKLIFFE,] that it would be extremely difficult to limit the number in any other mode than that by which it was now limited by law. No plan is proposed for removing the unnecessary officers. This was an essential requisite. The number had always been limited by the amount of the appropriation for their pay and subsistence. It was already provided by law that the expenditure under that head should in no case exceed the amount of the appropriation. The precise number of officers to be employed in the various grades under the present system could not be limited without great inconvenience in any other way. It would be found impossible for the House to determine beforehand how many officers ought to be employed in the several grades. He regarded the proposed amendment as entirely useless, though he was satisfied that midshipmen were too numerous as well as the officers in other grades. This he inferred from the great number who were kept waiting orders.

Mr. WICKLIFFE inquired how many officers were in that situation.

Mr. HOFFMAN was not able to state the number. After a full examination of the subject, he had come to the conclusion that the power of Congress over the number of officers was most properly exercised in limiting the amount of the pay and emoluments which they might receive. If the number was to be reduced, the mode in which the reduction was to be made should be pointed out.

Mr. VANCE did not know what number of midshipmen were necessary for the naval service, but he thought it high time that some check was placed upon the power of appointment. By reference to the navy register, he found that the State of Ohio has twelve midshipmen out of 450, and that forty or fifty had been appointed since the commencement of 1832. While Ohio has but twelve upon the list of midshipmen, he had been endeavoring for three years to get one appointed from his district. It was time that provision be made by law that these appointments be properly distributed among the several States. He had no hesitation in saying, if the present unequal mode of distributing these appointments was continued, the effect would be injurious to the navy among the people of the United States.

Mr. ANDERSON was sorry the gentleman from Ohio [Mr. VANCE] had been disappointed in the gratification of his wishes. He would, however, state, for the information of that gentleman and of the House, after what had been said, that the rule of the department was to distribute these appointments of midshipmen among the several States in the same manner as those of cadets at the Military Academy. This rule was a fair and reasonable one, and had been, as he believed, constantly adhered to. But on looking over the navy register, inequalities between the number of midshipmen apportioned to the several States, compared with the present population, might undoubtedly be found. This was not owing to an unfairness in the original distribution, but to the different ratio in which the population of the States had lately increased. The new States of the West probably had not at this time so many midshipmen as they would be entitled to were the distribution to be now made for the first time. His own State was in a similar situation, in consequence of its having increased in population more than some other States: although it probably had more seamen among its citizens than any other State in the Union, in proportion to its population, it had not at this time its due proportion of officers of the navy. But whenever appointments of midshipmen had been made, the rule had been rigidly adhered to, so far as he had been informed. As to officers kept waiting orders, that must always exist to a certain extent. It would be found impossible to keep all the of-

ficers of the navy on board ship, or on duty at the navy yards. Were the numbers in the several grades reduced to the wants of the service, still a portion of the officers would be kept waiting orders. Before he could give his assent to any reduction or restriction as to the number of officers in any grade, he must have further information.

Mr. BRANCH rose, and addressed the Chair, but the conversation among the spectators around the reporter's seat was so loud and constant, that the purport of his remarks was very imperfectly understood; indeed, this was the case with regard to much of this debate. Mr. B. was understood to say that 450, the number of midshipmen now in the service, was as many as the wants of the navy required. There could be no sound objection to limiting the number to that amount. While he had held the office of Secretary of the Navy, he had made very few appointments, having been satisfied that the appointment of supernumerary officers of that grade was only calculated to place the most promising young men in a state of idleness, with nothing to do but to range about the country, acquiring bad habits to which youth were unfortunately but too prone. He was not prepared to say that so high a number as 450 was required. According to his information of the wants of the service, he would rather reduce than increase the number. Under these views, he felt it his duty to support the amendment.

The question was taken on the amendment, which was lost: Yeas 59, nays 62.

The committee then rose, and reported the bill and amendments to the House.

In the House all the amendments made to the bill in committee were concurred in without debate, except that respecting the pay.

To this item Mr. WICKLIFFE proposed to add a proviso, that the number of midshipmen should not be further increased unless authorized by law.

Mr. W., in support of this proviso, would barely call the attention of the House to the statement of his friend from North Carolina, [Mr. BRANCH,] whose acquaintance with the subject would be admitted on all hands, that some restriction upon the prevailing practice of appointing midshipmen was necessary to make them efficient officers, and prevent them from indulging in idleness and dissipation. The House had been told that the number had been largely increased within the last two years. Under these circumstances, he considered the proposed restriction necessary. He intended no reflection upon the head of the Navy Department; on the other hand, he had no doubt but that officer would be glad to be relieved from the constant pressure to which he was subjected for new appointments. Should the proviso be adopted, he could then say that the limited number was filled up, and he had no power of adding to it. If any gentleman would state that the number now in the service was not sufficient, he was willing to fix upon such number as might be thought necessary; but he was convinced that some restriction upon the discretion of the Secretary as to the increase of these officers was indispensable.

Mr. BRANCH would vote for the proposition, not only because he thought it right in itself, but out of respect to the present head of the Navy Department. He was able to judge, from his own experience, of the continual solicitations to which that officer was exposed in consequence of the unlimited discretion with which he was now invested, as to the number of midshipmen. He had strong reasons for believing that the Secretary of the Navy would be glad to have the number reduced to 400. For himself he was satisfied that 380 was a sufficient number. Circumstances might render the appointment of a few more proper. He had made this statement, that it might be distinctly understood that his vote in favor of the proposition was not intended as casting any censure whatever upon the Secretary of the Navy.

Mr. DEARBORN regretted that the motion had been made by the gentleman from Kentucky, [Mr. WICKLIFFE,] before any measures had been taken to procure the necessary information. He still more regretted that any gentleman should have taken this occasion to assail the characters of the young gentlemen who composed a most important part of the naval service. He had enjoyed an opportunity of personal acquaintance with many of them, and felt bound to testify in favor of their general good character and gentlemanly deportment. It certainly was not necessary to make a sweeping denunciation of all the midshipmen in the navy because a few individuals among them, as among all other bodies of men, might not have conducted themselves with propriety. They were the future officers of our navy; of that arm of the public service to which this country was so much indebted for its security, prosperity, and glory. In the event of a future war, it was to them we must look for the discharge of the high duty of sustaining the brilliant reputation which the American navy now enjoyed throughout the civilized world. He was unwilling to see this essential portion of the naval service assailed without information or specific charge. With quite as much propriety we might limit or reduce the number of post captains, masters commandant, or lieutenants. For one, he was unwilling to interfere with any of them, without distinct information.

Mr. WATMOUGH said the ground on which the gentleman from Kentucky [Mr. WICKLIFFE] appeared to be disposed to place his amendment was, that some of the midshipmen of the navy passed their time in idleness, and were consequently exposed to dissipation. He would suggest to the gentleman that he would have an opportunity of obviating all evils of that kind by supporting a bill reported from the Naval Committee for establishing a naval school for their instruction.

Mr. CAMBRELENG did not rise for the purpose of going into the discussion, but to suggest to the gentleman from Kentucky, [Mr. WICKLIFFE,] the propriety of bringing forward his views upon the subject in another form. The subject before the House was an appropriation bill; we were not providing for the organization of the navy. It certainly was not proper to engraft a distinct measure upon such a bill. If the gentleman would withdraw his amendment, an opportunity would be afforded him for bringing it forward in the proper shape. The bill before the House only proposed to provide for the navy as it now exists, without reference to any new arrangement of the officers.

Mr. BRANCH had not been apprised of the intention of the gentleman from Kentucky [Mr. WICKLIFFE] to offer the amendment. The proposition was entirely new to him when it was made by that gentleman. Under a strong conviction that the proposed limitation of the number of midshipmen would have a salutary effect, he had given it his approbation. He regretted that the gentleman from Massachusetts, [Mr. DEARBORN,] and Pennsylvania, [Mr. WATMOUGH,] should have so entirely mistaken the purport of his remarks as to the impolicy of appointing supernumerary officers. If any inference could be drawn from his remarks like what had been stated by those gentlemen, it was distant from his intention. If any description of officers were generally more meritorious than the midshipmen of the navy, he was not aware of it. They were not only in general very intelligent and respectable, but many of them were young gentlemen of the very first order and talent in the country. He would be the last man to sanction any measure which might cast any reproach upon them. He did not consider this such a measure. He was desirous as far as possible to prevent that a great number of young men of fourteen, fifteen, or sixteen years old should be waiting orders year after year without employment, and for this purpose only should vote in favor of the amendment.

Mr. SEMMES was in favor of the amendment, because he fully concurred with the gentleman from Massachusetts, [Mr. DEARBORN,] in the high character he had given to the midshipmen of the navy. The tendency of the present system would ruin the finest young men in the world. There were now nearly 500 midshipmen warranted. Only about half that number were actually employed in the service. Of those who were not in actual service, a portion had no parents or other friends to live with, and they were obliged to live in taverns and boarding houses, where they were exposed to the influence of improper examples. He could perceive no objection to the proposed limitation of their number. The gentleman from Massachusetts [Mr. DEARBORN] has said that it would be equally proper to reduce the number of post captains, masters commandant, or lieutenants. But that gentleman should consider that officers of those grades had acquired fixed habits, and were not exposed like boys furnished with money, driving about the country from tavern to tavern. Such a system was better calculated to destroy the finest young men in the country, than any other that could be devised.

Mr. DEARBORN observed that the statement on which Mr. D. had before remarked, had been repeated, and gentlemen had spoken of the young gentlemen of our navy as constantly to be found wandering about the country, or wasting their time as idlers in taverns and boarding houses, where they contracted evil habits, deleterious alike to their constitution and morals, and ultimately led to their ruin. Mr. D. said that he had seen nothing of this declared profligacy, this reckless and reprehensible conduct; and that it was in direct violation of the regulations prescribed for their government, both on the land and on the ocean.

The midshipmen, under orders for duty, were either attached to the ships afloat, or to the navy yards, where they were subject to the constant surveillance of their superior officers, while the others were left entirely to the guidance of their parents or friends. If the latter portion of these young men were to be found strolling over the Union, as had been represented, it was not owing to their position in the navy, or to any deficiency in the rules which have been prescribed for their government, nor was it the fault of the department. The Executive, so far from countenancing idleness and dissoluteness of deportment, expected and required that every midshipman, not in actual service, should be either cultivating his mind, under the parental roof, or in some seminary of learning. Would the proposed amendment have any tendency to obviate the imagined improprieties? Could a reduction of the number, in any manner, superinduce a reformation, even if that was as imperious as had been intimated? Certainly not; while it might essentially impair the efficiency of the navy, not merely in the time of peace, but in the event of war, how were their places to be filled? They were a class of officers whose services were of the first consequence in every situation in which our fleets may be placed, in the elemental storms as well as of those of battle; but to give them the ability to discharge their duties in a manner creditable to themselves and their country, their intellects must be cultivated, discipline must be familiar, and they must be expert navigators and seamen. This requires time and much practical drilling. Skill in all their multifarious duties must be the result of experience; and is it wise, is it politic, is it safe, to so diminish the number of midshipmen as to endanger the service, and jeopardize the honor of the flag and the glory of the republic, merely because some irregularities may possibly exist, or that a pitiful reduction may be made in our public expenditures? Neither prudence nor economy warrant such a measure. Should we not then pause until we have definite and exact information as to the number which may be deemed indispensable for the best interests of our naval establishment. This can only be obtained by a reference to the Navy Department. Let us have the opinion of the Secretary and Board of Commissioners. At present there are no facts before us by which we can justly decide whether the power of the Executive has been properly exercised or not: but the presumption is, that no more midshipmen have been appointed than are deemed requisite for the public service. But if doubts are entertained on this subject, let an inquiry be instituted in the usual mode. That is the proper course to be pursued; and if abuses have been practised, a remedy can be applied by limiting the number in future. To this there can be no possible objection; but it certainly cannot be respectful to the Executive, nor is it in conformity to the usual practice of this House, to decide on any important subject until a thorough investigation has been made, especially when involving the character of the Executive, as well as the efficiency of one of the most powerful arms of national defence. When the desired information has been obtained, we may diminish or augment the number of these officers, as circumstances may require. To proceed in the summary mode proposed by the gentleman from Kentucky, strikes at the stability, the very existence of the navy. As well might we prescribe, *instanter*, the number of post captains, masters commandant, and lieutenants, by an amendment to this appropriation bill, as the warrant officers. We have not sufficient intelligence to act in either case; and it is to be presumed that the House will not be precipitated into the adoption of a measure, which may be fraught with the most serious consequences to the great interests of our national ships, as well as our commercial fleets.

The gentleman from Maryland [Mr. SEMMES] had not only confirmed the statements of the gentleman from North Carolina, but had even gone beyond him; but he [Mr. DEARBORN] was inclined to believe that his worthy friend's reminiscences were of distant by-gone days, and not a correct estimate of the existing condition of the navy. What he had stated might, perhaps, once have been a true picture of the fact; but an essential, radical, and most salutary change had taken place since the last war, and no such disgraceful state of things now existed, as was possibly the case some thirty-five years since.

Under the existing regulations, no young officer could heedlessly roam the country, or squander his days in the dissipation of our cities, without the compunctious whisperings of self-rebuke for the hazards he was running of being dismissed the service, and the conscious certainty of never rising in the profession of his choice.

The system of examinations which at present prevails, requires that the midshipmen should not only serve three years, become accomplished seamen, skilful navigators, and able tacticians, but maintain an unimpeachable moral reputation. This was an indispensable prerequisite, without which no young gentleman could pass the board of officers selected as examiners. This qualification was paramount to, and rode over all others. Nothing could be substituted or compensated for the want of it. No matter how gifted with natural endowments; no matter how richly his mind might be stored with the lore of science, and the embellishments of letters; no matter how adroit in the execution of his various duties; no matter how active, how adventurous, and how ambitious for eminence in his honorable vocation; no matter how distinguished for his valor on the deep, without that priceless gem, moral rectitude of deportment, he never could be advanced; it was utterly impossible that he should obtain a commission; his career in the naval service would be closed forever. What a motive was here to counteract the seductions of idleness, the allurements of dissipation, and the withering and blasting influence of vicious habits. Did the ingenuous bosom of youth beat with one glowing throb of generous ambition; did he aspire to rank and honors; was there

an ardent aspiration to hear his name hailed with triumph, and his chivalric deeds applauded by his exulting countrymen, that could, for a moment, indulge in a course of profligacy; that would forego all the glories of the future for the brief enjoyment of unmanly and ruinous indulgences? Had he a father, mother, or friend, who could stand idly by, blind to his follies, and indifferent to his prosperity, when they beheld the pride of their hearts rushing to destruction? Mr. D. trusted not. Before him all was gilded with hope; the prospect was cheering; the prize of merit was certain, and, the noblest passions of the soul being roused, it would be pursued with zealous and untiring assiduity.

One thing was certain; it was beyond all doubt or dispute, there was not, at this hour, nor ever had been, a naval service known, where all the officers had been so uniformly correct in their deportment, whose *morale* was so commendable and lofty; none where so severe an application was directed to the studies, and the infinite duties of the profession. No man who had visited foreign climes, and had seen one of his country's ships lying by the side of a vessel of any other nation, whose heart had not swelled with pride at witnessing the universal suffrage by which the palm of excellence was every where awarded to the ships, the officers, the crews, and the discipline of the American navy. This had been verified, again and again, in the Atlantic ports of Europe, in Southern America, in the Mediterranean and the Levant, where the fleets of all the maritime kingdoms of the globe were exhibited in comparison and contrast, and those of the United States had been pronounced superior to all.

From these considerations, Mr. D. said that he could not sit quietly in his place, and hear the *elite* of the American navy aspersed as idle and dissolute young men, when the very reverse was notoriously the fact. If there was a single latent spark of emulation or of exalted virtue in their breasts, it was kindled into a flame by our admirable system of instruction, discipline, and police; and all who wore the uniform of the republic were taught to believe, and with truth, that they could participate in that glory which irradiated the brows of so many of our illustrious commanders. Let us not, then, hastily legislate in such a manner as may prove disastrous to our fleets in peace and in war, and possibly tend to break down our flourishing and glorious naval establishment; but reject the proposed amendment until better and more fully instructed on the subject.

Mr. CARSON said, if he regarded the present as a proper occasion for bestowing eulogy upon the officers of the navy, he should express himself in terms as strong as the gentleman who had just taken his seat. The question was whether the number of midshipmen should be limited, or left discretionary with the head of the department. He had no fear that the discretion would be abused; but, under the information that the proposed restriction would relieve the department from the pressure of continual application for appointments, he was inclined to afford it this relief. The gentleman from New York [Mr. Cambreleng] had suggested a strong argument against the amendment, that this was not the proper mode of making the limitation; but it was not conclusive. All that was proposed by the amendment, was to express the opinion of Congress that the present number should not be increased.

Mr. VANCE had looked through the names of midshipmen in the navy register since he had made his former statement, and had found that since the commencement of 1832, instead of forty or fifty, as he had stated, seventy-two midshipmen had been appointed. What he complained of, was, that for three years he had been unable to get one appointed from Ohio. Ohio was entitled to nineteen members in this House. In answer to the suggestion of the gentleman from New York, [Mr. Cambreleng,] he had only to say that he regarded the present as the most proper and favorable opportunity for imposing the limitation upon the power of appointment, which he regarded as necessary.

Mr. HUBBARD did not profess to be at all conversant with the subject now under debate; but, from the relation in which he stood to the Secretary of the Navy as a friend, belonging to the same State, it was due that officer to say, after the representation which had been made by the gentleman from Ohio, [Mr. Vance,] that of the midshipmen who had been appointed since the Secretary had held his present situation, two only were from New Hampshire. By such examination of the navy register as he had been able to make since the subject had been before the House, he had been able to find but sixty-two appointments in the year 1832. Within the same period, the number of vacancies, by death and resignation, had been thirty-eight. The number actually increased was, therefore, only twenty-four. In looking back to a period before the present Secretary came into office, he had observed that, in 1829, one hundred and two appointments had been made. He would repeat that the subject was one to which he had not turned his attention; and, in this respect, he presumed his situation was similar to that of a great portion of the members of the House. Whether the present number of midshipmen was greater or less than was necessary, he was totally unable to decide without information. If a substantive measure should be brought forward, in the usual course, opportunity would be afforded for the necessary examination; but he was opposed to any change in the present system introduced on the spur of the moment without any means of determining as to its propriety.

Mr. GRENNELL could not support the amendment. The subject was now for the first time started in the House. He had understood that the Committee on Naval Affairs, to which the subject belonged, had taken up the general new organization of the navy; but no report had yet been made at the present session. Whenever such a report should be laid before the House, he would prepare himself to act upon it. He would ask gentlemen if this was the proper mode to effect a change in the organization of the navy. Having great confidence in the present head of the Navy Department, he was perfectly willing to entrust him with the same discretion on this subject as has been exercised by his predecessors, until further light as to the necessity for change be cast upon it.

Mr. SPEIGHT rose, not for the purpose of going into the debate, but to give notice to gentlemen that if it was not speedily brought to a close he should move that the House proceed to the order of the day.

Mr. WICKLIFFE said the objection to the amendment which had been suggested by the gentleman from New York, [Mr. Cambreleng,] that this was not the proper place for restricting the number of midshipmen, was the argument which had been always used against every attempt to limit the discretion of the Executive. He had enjoyed an opportunity for some little experience in this matter. He had the last session introduced a resolution having in view the reduction of the number of cadets at the Military Academy. It was referred to the Committee on Military Affairs, which had reported a bill which was now in the calendar. No one could foresee when the subject would be acted on by the House. He considered the present the most favorable occasion which would offer for declaring the views of the House on this subject. As to the remarks of the gentleman from Pennsylvania, [Mr. Watmough,] that the objections to the appointment of supernumerary midshipmen would be obviated by the establishment of a naval school, on the contrary, the present evils would be increased by such an establishment in a tenfold degree. Such a school would present an additional inducement for applications for these appointments.

Where there was one application for the appointment of midshipman, there were now at least twenty for that of cadet, because they were thoroughly educated at the public expense. Establish a similar system of education for midshipmen, and where there is now one application for a warrant there would then be a hundred. He would appeal to those gentlemen who were members of the House in 1829, to say whether the number of the officers either of the army or navy was a matter which ought to be left to Executive discretion. He did not propose to occupy the time of the House by further debates upon the subject, but would barely ask for the yeas and nays upon the amendment; which were ordered.

Mr. ADAMS could not but regret that an amendment of the character of that before the House should have been offered to an appropriation bill. It was an improper place for the provision now sought to be established. He felt this the more sensibly after the very cogent reasons which had been stated by the chairman of the Committee of Ways and Means, [Mr. VERPLANCK,] for taking up this bill in preference to the other business before the House. It appeared that the interests of the naval service were now suffering for want of the appropriations contained in this bill. The subject which had been introduced by the gentleman from Kentucky [Mr. WICKLIFFE] had nothing whatever to do with the subject before the House. The object of the bill was to provide the means for paying money already due, or which may be due, during the current year upon the various branches of the naval service. Was this a proper occasion for tacking a proviso to the bill, introducing a new principle upon the propriety of which no facts had been obtained through the usual channel, and which might give rise to a week's debate? He would confidently appeal to the gentleman from Kentucky to say whether this amendment was the most proper mode of accomplishing his views. The introduction of this amendment had given an opportunity for introducing other matters equally remote from the subject properly before the House. Gentlemen had embraced the occasion on the one hand to assail, and on the other to defend the moral character and the habitual occupations of a certain class of officers of the navy. The gentleman from Ohio [Mr. VANCE] had seized the opportunity for introducing another topic. Because that gentleman had not been able to obtain an appointment for one of his friends, he appears to consider that a sufficient reason for restricting the power of appointment, in order, he presumed, that all other applications may share the same fate. He was unable to perceive any other reason for introducing that topic; for he supposed that the taking away the power of appointment would not procure the office which the gentleman had been so anxious to obtain. For one, he was unwilling to come to any decision upon that topic of accusation, or to discuss the argument that had been drawn from it, until he had heard the explanation of the head of the department. If the Secretary of the Navy was not able to assign a sufficient reason for disappointing the wishes of the gentleman from Ohio, that would afford a proper ground of censure against that officer. He would do nothing which would imply that the House had hearkened to such an accusation, until an opportunity had been given to the Secretary for making his defence. He did not stand here for the purpose of defending the head of the Navy Department against the charge of the gentleman from Ohio; but it must strike every fair and candid mind as extremely unjust to act upon such a charge, or upon any argument that might be drawn from it, without first allowing the head of the Navy Department to explain the conduct which had been made the ground of exception. He was particularly anxious to hear what the Secretary of the Navy has to say in answer to the charge made against him by the gentleman from Ohio, for he had been greatly surprised by such an inculpation. So far as his knowledge of the course of proceeding in that department went, it had always been glad to receive applications for the appointments in question from the States in the interior. There was always a great abundance of such applications from the Atlantic States; but, upon the rules by which these appointments had been distributed, it had been generally found difficult to find suitable candidates who were willing to receive them from the States in the interior of the country. In addition to his wish to hear the vindication of the Secretary from the censure of the gentleman from Ohio, before he received this charge as the basis of action in the House, he had another reason for opposing the amendment. He was not satisfied that the limitation to the Executive power, proposed in this instance, would be useful. He would not say but a proposition of this nature might not be put in such a shape that he should vote for it; but he would say that he could not give it his support in the absence of all information as to its expediency and its consequences. Several gentlemen who had advocated this amendment, had expressly disavowed any intention of reflecting censure upon the head of the Navy Department; but the gentleman from Ohio [Mr. VANCE] could not make this disavowal. That gentleman had stated on this floor a distinct charge against the Secretary of the Navy, and through that officer, whose official conduct was under the control of the President, had cast an implied censure upon the head of the Government. He would not undertake to say that the censure was not well founded, for he was not acquainted with the facts. But if the amendment should be adopted upon the arguments drawn from such a charge, the House would adopt the censure upon the Executive, implied by the charge. Before he was willing to give his vote in affirmance of this censure, he should choose to hear what the other party had to say in his defence.

Mr. VANCE said he had not censured the head of the Navy Department, nor would he disavow the intention of censuring that officer. He had barely stated the facts, and the Secretary could construe them as he thought proper. He presumed that officer had good reasons for refusing to give a midshipman's warrant to a candidate from Ohio in compliance with the recommendation of the united delegation from that State. Whether this fact implied censure or not, he should not undertake to state; but it was true.

Mr. HOWARD had been able to understand the remarks of the gentleman from Ohio [Mr. VANCE] but very indistinctly. He understood him as complaining that the State of Ohio had been denied her proportion of the appointments of midshipmen. He was not the apologist of the Secretary of the Navy: that officer was undoubtedly able to defend his own conduct. Within a few minutes he had looked a little into what might be called the statistics of the subject, and was satisfied that the State of Ohio had received her full share of the appointment of midshipmen. He held in his hand the navy register, by which it appeared that within two years there had been one hundred and twenty midshipmen appointed. He had not been able to go further back in the short period during which he had turned his attention to the subject. According to the representation of Ohio on this floor, which has been the usual ratio of distribution, that State would be entitled to receive of these appointments, made within two years, eight and a small fraction. Now, it appears by the register that within two years seven midshipmen had been actually appointed from the State of Ohio. What had become of the eighth he was not able to say, but he presumed, if opportunity had been given to have traced these appointments further back, it would appear that this one was accounted for by a previous appointment. Mr. H. then went into some general remarks as to the impropriety of

restricting the appointment by the proposed amendment, which were very indistinctly heard. He was understood to say that probably the principal reason why so many appointments had been made in 1831 and 1832, compared with 1830, was, that during the two last years ninety-four midshipmen had passed examination, leaving vacancies in the lower class to be filled up. He regarded it as altogether improper to adopt the proposed amendment without having information upon the subject.

Mr. VANCE said the State of Ohio was entitled to thirteen midshipmen instead of eight, according to the calculation of the gentleman from Maryland, whose State had a great many more than Ohio in proportion to her population: without reckoning the District of Columbia, Maryland had nearly two to one at the present time.

Mr. HOFFMAN would barely suggest, that besides the disproportionate increase of the population of the Western States compared with those on the Atlantic, which would probably account for the principal differences in their present respective shares of these officers, there was another cause which had probably operated in a greater or less degree. Officers of the navy who had resided in the West at the time of their original appointment, would naturally remove and establish their families on the seaboard. It would be a great hardship upon those brave and meritorious men to exclude their children from all participation in these appointments; which, from their early habits and associations, they were so peculiarly calculated to fill to advantage. Possibly some share of the inequality of distribution, which had occasionally been the subject of complaint, had arisen from this source.

Mr. W. THOMPSON said the discussion upon this bill appeared to enlarge as it proceeded; he felt compelled to move that it be postponed to Monday.

Mr. BRANCH said, rather than the bill should be postponed, he would vote against the amendment. He wished to make a single remark in explanation of his former statement.

The SPEAKER said the question before the House was upon the postponement of the bill. Any remarks upon the amendment were not in order.

Mr. THOMPSON withdrew the motion.

Mr. BRANCH only wished to remark, in support of his statement, that the Secretary of the Navy would not regard this amendment as an imputation upon his course; but, on the other hand, was in favor of a resolution upon the number of midshipmen: that, at the last session, a bill had been prepared under the sanction and with the express approbation of that officer for the organization of the navy, in which it was proposed to limit the number of midshipmen to four hundred. He felt it proper to make this statement after the observations which had been made as to the censure which the amendment might imply upon the Secretary of the Navy; which was most distant from his intention in giving it his support.

The question was then taken upon the amendment; which was lost: Yeas 88, nays 102.

Mr. WATMOUGH again pressed his amendment, providing to fill up the two vacancies which had occurred in the number of post captains, but without success.

The remaining amendments reported by the committee were then concurred in, and the bill ordered to a third reading.

The House then adjourned.

MONDAY, FEBRUARY 11.

THE ENFORCEMENT BILL.

A resolution moved yesterday by Mr. BOULDIN, of Virginia, for the printing of 25,000 extra copies of the report from the Judiciary Committee, accompanying the bill reported by them for enforcing the revenue laws, coming up for consideration,

Mr. BELL (chairman of the Judiciary Committee) expressed his regret that he felt it his duty to oppose the motion. The House had not yet had an opportunity of expressing its sentiments on the subject treated of in the report, because no decision had yet been had as to an important measure recommended in the report. If, in the meanwhile, the House should order the printing of so large an extra number of copies of the report, such an act would be considered by the public as partly the sanction of the House in the positions taken by the report. Under this view, he should close his remarks, by moving to lay the resolution on the table until the House should have acted on the bill now before it: after that time, he should have no objection to the measure, because, then, the House would be in circumstances to give a fair expression of opinion.

Mr. BELL then moved to lay the resolution on the table.

Mr. FOSTER, of Georgia, said that he was perfectly indifferent how this question should go, but he had risen to express his surprise at the reason advanced by the gentleman from Tennessee, [Mr. BELL,] for opposing the resolution. Did the House sanction the doctrines contained in every paper it might order to be printed? He remembered that, at the last session, a report from the Indian Committee (to which that gentleman had belonged) had been made, and an extra number of copies of it ordered to be printed, although the report had very few advocates on that floor. The only object of passing such orders, was to give the public information. Twenty-five thousand copies of the President's proclamation had been printed by order of the House, yet every body knew that many members of this House were far from approving of every thing contained in it. So an extra number of the message had been printed. Was that giving the sanction of the House to the doctrines of that paper? Mr. F. protested against all such construction.

Mr. DANIEL said that the argument and the reasons of the chairman of the Judiciary Committee, [Mr. BELL,] were the most extraordinary he had ever heard: and he presumed that no gentleman, in future, would urge the same against the printing of any paper whatever. Mr. D. had voted to print an extra number of the late proclamation, though he did not, he was sure, approve a single principle contained in it from beginning to end. There was another reason, however, which probably operated much more strongly on the gentleman.

If this document should be published, as proposed, it might receive the approbation of the people of the United States, who had the right to decide upon its merits. He desired the people might see this report. They were the proper judges whether the document was on the proper democratic principles or not. Why was the gentleman so very tenacious? Mr. D. was not one of those who held the doctrine that the sovereignty of the United States resided in Congress, the President, and the Judiciary. That House had a master. The people, and the people alone, were the sovereigns. Such an objection came with a very bad grace from a gentleman who had voted to print 25,000 copies of the President's message. Did the gentleman approve of all the sentiments in that document? If he did, Mr. D. did not.

Mr. ARNOLD, of Tennessee, said that the gentleman from Kentucky had observed that many gentlemen who had voted an extra number of copies of the President's message now opposed the printing of this report. Now he believed he could satisfy gentlemen, yes, even the gentleman from Kentucky himself, (who was designated by many as "a whole hog" nullifier,) that there was no need of printing so many copies of this report. The gentleman had very gravely reminded the House that 25,000 copies had been printed, both of the proclamation and the message; but the gentleman had taken care to forget to

tell the House that 25,000 copies had been printed of that primer of nullification which he held in his hand. The document contained 41 pages of what might be called Union documents, and 71 pages of what were clearly nullification documents.

Now, if the gentleman from Kentucky was not satisfied that 71 pages of nullification were too light to weigh down 41 pages of Union, it was making a confession which certainly had not been expected. The House was now called upon to print 25,000 copies of this thing, (holding up the report)—and for what purpose? Did the nullifiers expect that this production would have more effect than the report of a committee of twenty-one of the South Carolina Legislature? than the nullifying ordinance? than the address of the people of South Carolina? and all the other matters and things of the same kind in that book, which contained the very muscle and blood (if there was any) of nullification—papers drawn up by the master spirits of the nullifiers, and embodying all their high soul, and all their mighty talents? Mr. A. had voted to send out the messages of Governor Hamilton and Governor Hayne to the South Carolina Legislature; and were not these nullification? Would the gentleman get up and tell that House that this petty farthing rushlight must be sent out in pursuit of such documents as he had named? Mr. A. had voted for all this body of matters nullificatory; and was it inconsistent that he should refuse to vote to print this tail of the animal? He objected to it mainly on the ground of the expense. He could have no objection to its going to the people. The more they saw of it, the more they would loathe it; the more heartily they would depise, the more decidedly they would reprobate it. But he did not, knowing this, want to saddle them with the expense of printing it. The only reason for which the motion could have been made was, that this document was to eclipse the President. But really, in the light of all the nullifying documents he held in his hand, he doubted whether it could be seen. He should as soon think of bringing a glowworm beside a patent lamp; of holding up a candle to the sun.

Mr. ELLSWORTH observed that it ought not to be forgotten that this report would go forth without the sanction of a majority of the committee in its favor. It ought to be understood that, in fact, it had the opinions of but two of the members of the Judiciary Committee in its favor. Mr. E. was not now referring to what had passed in the committee; he knew it was not in order to refer to that; he referred to what had passed on that floor, in the face of the House. The minority of the committee had freely expressed their disapprobation of the bill; and two of the remaining members had said that it did not meet their views, and that they had reserved themselves in consenting to having it reported, that they should not thereby be committed to vote for it; so that it was not fully approved of by more than two of the committee, [Mr. DANIEL and Mr. COULTER.] The report was therefore in support of a bill which did not even unite a majority of the very committee that reported it. Mr. E. moved to lay the resolution for printing upon the table; but consented to withdraw the motion, at the request of

Mr. STEWART, who said that he had voted to print the nullifying documents, for the reasons already stated by the gentleman from Tennessee, [Mr. ARNOLD,] but he should vote against the present proposition, because it would be received, should it prevail, as an expression of the sentiments of the House in favor of nullification, whereas he did not believe there were ten gentlemen on that floor who, should the distinct question be put on sanctioning those doctrines, as professed by South Carolina, would record their names in favor of them. He ventured this opinion, there, in his place; and if gentlemen doubted its correctness, let them test it by yeas and nays: he doubted if more than six members could be found who would vote ay. Now, this report did, virtually, contain the doctrine of nullification. He would read a clause to show this.

[Here Mr. S. was called to order by Mr. BELL; but the CHAIR decided that the motion to print opened the whole subject.]

Mr. S. then read the following clause:

"When, therefore, a law is made by the Government so oppressive and destructive to the interests of the people of one these States, as to determine them to resist it at every hazard, it is evidence of the justice of their complaints, which should not be disregarded; and it is the bounden duty of the Legislature, instead of devising rigorous means to enforce it, to modify the obnoxious law."

Was not this nullification, in all its length and breadth? If not, what was it? A State was to be the judge of the law, and if she determined to resist it, that was to be taken as evidence of its injustice, and so the Government was bound further to modify the law! *i. e.* to knuckle and submit. Mr. S. never would vote to sanction in any way such doctrine as this. Moreover, the report declared that the President had recommended the House to pass a law authorizing him to exercise unconstitutional powers: *i. e.* the President had advised Congress to violate the constitution. This he denied. The President had done no such thing; and Mr. S. would not send out any such assertion. And further, the report declared that the proper remedy for nullification was to repeal the tariff: to pass the bill reported by the Committee of Ways and Means. Mr. S. was against this, and therefore against the resolution *in toto*. He demanded the yeas and nays.

Mr. COULTER said that it was a matter of perfect indifference to him whether the resolution should or should not be adopted. Indeed, so far as his own views and feelings were concerned, he had rather it had not been introduced. The report (such as it was) was within so convenient a compass that it could reach, through the papers, the public ear, and the public mind. If that public should approve of the doctrines it contained, if they should give the report their sanction, then no matter what might be the jibes and jeers to which it might be exposed within these walls, the public voice would give it a weight and a force that would make it tell. But if the public should not approve it, then no sanction which that House could affix to the paper, could give it the smallest effect: nor could the high thoughts any gentleman might entertain with regard to the importance of his own opinion, give it the least value. On account, however, of what had been said in relation to this document, Mr. C. would ask leave to trouble the House with some few observations.

The members of the Judiciary Committee, placed as they were upon that committee, not by their own choice, but by the disposition of the presiding officer of the House, found themselves charged with duties of great magnitude and very high responsibility. To the task required from them they had brought all the talent they could; they had given the subject all the consideration which their time allowed; and they had exercised their best judgment in deciding upon the manner of its discharge. The result was before the House. The committee might regret that they had not brought to the duty more wisdom, (for the country had reached a crisis which demanded all the wisdom it could call to its aid,) more knowledge, and greater aptitude to make their report more acceptable to the House than it appeared to be: but they had obeyed the best dictates of their judgment; and the report they had submitted to the House ought to have received the language of courtesy, or at least of decency, from members on that floor. Gentlemen standing safe in the Senate House, might utter what contained neither argument, wit, nor even common sense: but such

egotations, such epithets, would not be regarded by others, though they might be regarded as of primary importance by those who had uttered them. Mr. C. could not forget that in the French Assembly, during the more furious periods of the revolution, any member who brought forward a proposition tending to peace, and calculated to tranquillize the public mind or reconcile conflicting opinions, did it at much hazard; the hazard, at first, of abusive language from bullies and braggadocios, until at length the danger was augmented by the appearance of drawn daggers in the hall of legislation, and it became common, because it was indispensable, that members should keep daggers in the desks where they sat.

Mr. C. said that the humble duty devolved upon him should be discharged in defiance of the vulgarisms that might be uttered in that hall, or of any other menaces that might be resorted to.

Now, as to the doctrine contained in the report, so far as it had been attacked by any thing like argument, he should treat the objections to it with all respect. The arguments of the gentleman from Tennessee, [Mr. Arnold,] he thought, had been already answered. No gentleman would be committed by voting for the resolution to print. The practice of the House had abundantly established the contrary. The House was constantly in the habit of printing reports on all subjects, and on all sides of every subject, provided the language in which they were contained was decent and respectful. The object of this was to inform the public of what their representatives were doing.

But his colleague [Mr. Stewart] had told the House that this paper contained the principles of nullification; the very essence of nullification. Mr. C. was not to be deterred from any course he deemed right by a mere name. He was aware that with some minds names were things; but it was not so with him: he looked at the substance of a measure, and was not to be driven from it by the circumstance that this man or that man called it "nullification." He should neither adopt nor forsake any course of action because it should be called "nullification," "National Republicanism," or "Jacksonism." But what was the point of the objection? The committee had given it as their opinion, that when a law was so oppressive in its effects that a great section of the country was resolved to resist it at all hazards, such a fact was evidence to a prudent Government that the measure was a mistaken one, and that, instead of enforcing, they ought to modify it. Mr. C. considered this as a just sentiment. It was an opinion that had been adopted by very great men—the light of whose minds would, he trusted, shine upon the darkness of our present prospects, and cheer the impending gloom.

He would recall the recollection of the House to a former crisis in the history of this country. He referred to the times of the embargo law. That law had been very obnoxious to a great part of the population of this country; so much so, that it had been found impossible to carry the law into execution. The juries of the country, yes, the juries, (who were the ultimate legislators under our system,) refused to execute the law. We had then at the head of the Government a man who possessed as much civil greatness and statesmanlike power of mind as the individual who now occupied the Executive chair, (from whose merits Mr. C. had no purpose to derogate,) and what had been the result? On representations being made to him, on which he could rely, that the law was very obnoxious to a large part of the country, had he declared that it would be unwise to repeal it? Had he declared that it must be enforced? No. Like a true patriot, and a wise statesman, he had recommended to Congress that the law be repealed. The action stood applauded, and would so stand forever on the page of our history. Yet, for this sentiment, the Judiciary Committee had been censured and condemned by the enlightened and sagacious mind of his colleague. When that law had been repealed, a gentleman distinguished for virtue, for talent, for consistency, and, indeed, for every other quality that added dignity to the character of a legislator, (he referred to Mr. Bayard, of Delaware,) had advocated the repeal, and, in doing so, had advanced the very same sentiment expressed in the report, and had adorned it by all the beauty and richness of his own magnificent mind. And what was the sentiment? That when a large section of the country believed that a law was grinding them to the dust, and had remonstrated for years and years, both in their primary assemblies and in their Legislature, if the Government should refuse to hearken to their voice, so long, so loudly, so deeply uttered, then ours was no longer a Government of opinion, but was at once assimilated to the despotisms of the old world; it became, in fact, the same sort of Government as was exercised by Russia over Poland, or by England over Ireland. Gentlemen were for exercising, on the part of the United States, a Government like this, over a free and sovereign State which had been remonstrating for years against an oppressive and intolerable law. He did not care whether the resistance of such a State should be called nullification, secession, treason, or rebellion. Rebellion was with him a sacred word. When rebellion was put down, in the overthrow often perished honor, talent, virtue, patriotism, liberty itself.

The sentiment in the report was uttered modestly. Mr. C. was willing to take the responsibility of uttering it. He did not set up to be a great man. His course in that House had, he trusted, evinced no lofty pretensions. He was not to be deterred from the discharge of his duty by hard names. He was willing to take the responsibility which belonged to his station; and for his conduct in it, he was prepared to answer to his constituents, to his country, to his own conscience, and, he did not consider the appeal too serious to add—to his God.

Mr. CAMBRELENG regretted that any opposition had been made to the printing of the report. He should vote for any printing which might be deemed important by gentlemen on either side. He now moved the orders of the day.

Mr. BELL said that, if the gentleman would withdraw his motion, he would withdraw his opposition to the resolution.

Mr. CAMBRELENG having complied,

Mr. BELL resumed, and said that he had not intended to convey the sentiments attributed to him. He should think he had some reason to complain of the gentleman from Georgia, [Mr. Foster,] did he not believe that the gentleman had misapprehended the bearing of his remarks. [Mr. B. here repeated what he had said.] The gentleman from Kentucky [Mr. Daniel] had imputed to him a fear that the report should be seen by the people. Such an imputation was highly unjust. The report had already found its way to the public; but if, at this stage of the matter, the House should order so large an extra number printed, it would convey an erroneous impression. The gentleman from Pennsylvania last up [Mr. Coulter] seemed to consider the report as merely opposing violent proceedings recommended to the House by the President. That was one reason why leave should first be allowed for an expression of sentiment on that subject. Many might think the proceeding not violent at all—it could not be long before the subject would be before the House, and when a direct expression of sentiment could be given: Mr. B. would then be in favor of printing any number of copies gentlemen might wish: he should not, however, oppose the resolution, and he hoped the question would be taken.

Mr. DAVIS, of Massachusetts, moved the orders of the day, and

The bill to remit a fine to the heirs of Matthew Lyon came up as the unfinished business.

Mr. DRAPER having delivered his sentiments in opposition to the bill,

Mr. CAMBRELENG moved the previous question; but withdrew the motion at the request of

Mr. DRAYTON, who moved that the further consideration of the bill be postponed till Friday next.

The motion was opposed by Mr. WICKLIFFE, and negatived.

Mr. DRAYTON then commenced a speech in opposition to the bill, and had proceeded a short time, when

Mr. R. M. JOHNSON observed that the hour of one had arrived.

Whereupon the House passed to the consideration of the tariff bill.

[At a subsequent period of the day, the House resumed the bill to refund M. Lyon's fine; and after it had been discussed by Messrs. DRAYTON, CRAIG, R. M. JOHNSON, HAWES, PEARCE, CLAYTON, MITCHELL, and SUTHERLAND, it was ordered to its third reading: Yeas 77, nays 63.]

The House having taken up

THE TARIFF BILL,

On motion of Mr. H. EVERETT, the words "made of combed wool" were inserted after "yarn," in that part of the bill respecting woollens.

Mr. DEARBORN now rose, and said that, after a laborious discussion of five weeks, it had become evident that the bill could not be put into any shape that would adapt it to the wishes of a majority of the House: and he therefore moved to lay the bill upon the table.

Mr. HOFFMAN demanded the yeas and nays.

Mr. POLK moved a call of the House.

The motion was agreed to, and the House having been called, it appeared that 12 members were absent.

The call was then suspended, and the question taken on laying the bill upon the table, and decided by yeas and nays as follows: Yeas 84, nays 113.

So the House refused to lay the tariff bill upon the table.

Mr. DRAYTON observed that it must be obvious that the present bill, with all its numerous amendments, could not be gotten through with in time to go to the Senate, and he therefore moved that it be recommitted to the Committee of Ways and Means, with instructions to report a bill continuing the act of 1832 in force until the 2d March, 1834, and then to reduce the duties one-third.

Mr. DRAYTON briefly explained, and supported his motion as going to reduce the revenue to the wants of the Government, and at the same time injuring as little as possible the interests of the manufacturer.

Mr. CRAIG supported the motion.

Mr. WICKLIFFE offered an amendment to it, instructing the committee to report a bill continuing the bill of 1832 to the 2d of March, 1834, and thereafter reducing the duties in such manner that, by the year 1840, they should have reached 20 per cent., the reduction to be equally distributed through the intervening years.

Mr. IRVIN moved to amend Mr. DRAYTON's resolution before it should be stricken out, so as to reduce the duties, after 1834, 10 per cent. annually, until the revenue should be reduced to the wants of the Government.

Mr. WAYNE, after some introductory remarks as to the necessity of further consultation, moved to postpone the further consideration of the bill until to-morrow.

Mr. WARDWELL gave notice that he should move an amendment, reducing the duties 5 per cent. annually, until they reached 20 per cent.

Mr. WAYNE's motion prevailed, and the bill was postponed until to-morrow.

TUESDAY, FEBRUARY 12.

THE ENFORCEMENT BILL.

The resolution offered by Mr. BOULDIN, of Virginia, as modified, for the printing of 25,000 extra copies of the report from the Judiciary Committee, accompanying a bill "more effectually providing for the execution of the revenue laws in certain cases, and for other purposes," coming up for consideration,

Mr. FOSTER, of Georgia, said that his only object, in again addressing the House on this motion, was to reply to some remarks which had been made by several gentlemen who had taken a part in the discussion yesterday. He repeated his perfect indifference at the fate of the pending motion. Whether the additional number of the report of the Judiciary Committee were ordered, as proposed by the gentleman from Virginia, [Mr. BOULDIN,] or not, was a matter of no concern with him. But the honorable gentleman from Tennessee [Mr. BELL] complained yesterday at the aspect which he [Mr. F.] had given to his [Mr. B.'s] argument. Mr. F. certainly regretted any misunderstanding. He understood the gentleman from Tennessee to oppose the motion to print, on the ground that, if the House adopted the motion, it would be giving its sanction to the principles embraced in the report. The gentleman explains, and says he only argued that the effect of acceding to this proposition might be to create the impression on the public mind that the House acquiesces in the views and principles which the report contains. Mr. F. accepted the explanation, but still regarded the argument as extraordinary. He had not supposed that it had ever occurred to any man, either in the House or out of it, that the order of the House to print a document, pledged, in the slightest degree, those who voted for the printing, for the correctness or support of its doctrines. We are every day receiving petitions, resolutions, and remonstrances, of various kinds, which were almost uniformly ordered to be printed; yet, did gentlemen consider themselves as having thus sanctioned whatever was set forth in these papers?

Mr. F. had yesterday referred to the able and interesting report made three years ago, (and not last year, as erroneously reported in a morning paper,) by the Hon. gentleman from Tennessee, when at the head of the Committee on Indian Affairs. On a motion to print 10,000 copies of it, some opposition was made, but the motion was carried by two to one. And yet when the bill, carrying out the principles of the report, came up for consideration, it was passed by a bare majority; many members who voted for the printing, voted against the bill.

But, Mr. F. said, there had been several reports made at the last session, and the printing of a very large number of copies ordered without opposition; and yet it did not appear afterwards that the principles embraced in them received the sanction of the House. He instanced the report of the Hon. gentleman from South Carolina, [Mr. McDUFFIE,] from the Committee of Ways and Means, on the subject of the tariff. Had the views and recommendations of that report been adopted and carried out by the House, the agitations of the South had long since been quieted. But they were denounced and repudiated in unmeasured terms. At a subsequent period of the session a report was made from the Committee on Manufactures, by the distinguished gentleman from Massachusetts, [Mr. ADAMS,] and on a proposition to print 10,000 copies, not a voice was raised against it. Surely the gentleman from Tennessee did not consider his acquiescence in that proposition as authorizing the presumption that he would support its doctrines; and if the tariff gentlemen flattered themselves that they had thus obtained a pledge, they must have been greatly

disappointed at the gentleman's subsequent eloquent and powerful speech against their favorite system. So much, then, for the reasoning of the gentleman from Tennessee.

Mr. F. had a word or two to say to the honorable gentleman from Connecticut, one of his associates on the Judiciary Committee, [Mr. Ellsworth.] That gentleman had yesterday attempted, as he had heretofore done elsewhere as well as here, to taunt the majority of the committee with the differences of opinion which existed among them, as regards the bill which had been reported. He affects to doubt whether the report contains the opinions of a majority of the committee, because, he says, a majority of the committee are not in favor of the bill. Mr. F. here repeated what he had stated to the House when the bill was reported, that such was the contrariety of opinion among the members of the committee as to the details of a law to meet the emergency, it was difficult to frame one that would receive the sanction of a majority. The bill reported approximated more nearly to it than any which had been proposed; but, Mr. F. had, both in committee and in the House, reserved to himself the right to propose amendments, and even to vote against it, if it were not amended to suit his views. The gentleman from Virginia, [Mr. Gordon,] while assenting to the report of the bill, had especially protested against that assent being construed into a pledge to vote for any bill on the subject. But, said Mr. F., the report is not made to sustain the provisions of the bill, but to show the reasons why the committee could not adopt the recommendations of the President. In this respect, the gentleman from Connecticut well knew, and in all fairness should have stated, that the majority were entirely agreed. There was not the slightest dissent on the part of any of them from either the principles or reasoning contained in the report. The majority had treated their associates who did not concur with them, with the utmost respect; and whilst they did not ask any unusual courtesy from them, they had a right to expect common justice. Mr. F. repeated, however, that the majority were not to be affected by the taunts and insinuations which had been thrown out, and he had hoped that the gentleman from Connecticut would have been satisfied with his previous experiment, and with the notice which he had then received, and that he would not have again attempted the same game here.

But the printing of this report is resisted, continued Mr. F., on the ground that it contains "the very essence of nullification." That the gentleman from Pennsylvania [Mr. Stewart] should have made this discovery, was a matter of no surprise. He is so sensitive and suspicious with regard to his favorite hobby, the tariff, that his imagination easily converts any and every thing like opposition to it, into this monster, nullification, of which he expresses so much horror. But Mr. F. confessed his utter surprise to hear other gentlemen around him expressing a similar opinion. He could say for himself, in perfect candor, and he hazarded nothing in making a similar declaration for the other gentlemen with whom he acted on this occasion, that when the report was drafted and concurred in, so far from intending to support or justify the doctrine which is so offensive to some gentlemen, and which has produced so much excitement, it was not for a moment conceived that the most minute scrutiny, not even the eye of an Argus, could detect in any clause of the report any expression which could be tortured into such support or justification. Mr. F. here read the sentence which had been so strongly, and, he might add, strangely, objected to, as follows:

"When, therefore, a law is made by the Government so oppressive and destructive to the interests of the people of one of these States as to determine them to resist it at every hazard, it is evidence of the justice of their complaints, which should not be disregarded; and it is the bounden duty of the Legislature, instead of devising rigorous means to enforce it, to modify the obnoxious law."

This, then, is the clause which has given so much offence; and instead of urging any argument or explanation of his own, Mr. F. would beg leave to refer to the speech to which the honorable gentleman from Pennsylvania [Mr. Coulter] yesterday adverted, which was delivered many years ago by the late lamented Mr. Bayard, the proud boast of the old federal party, and one of the purest patriots, as well as one of the brightest ornaments of the day in which he lived. This speech was made in favor of a repeal of the embargo laws, and from it Mr. F. read the following extract:

"We all know that the opposition to the embargo in the Eastern States is not the opposition of a political party, or of a few discontented men, but the resistance of the people to a measure which they feel as oppressive and ruinous. The people of this country are not to be governed by force, but by affection and confidence. It is for them we legislate; and if they do not like our laws, it is our duty to repeal them. It is madness to talk of forcing submission, when there is general dissatisfaction." Here, said Mr. F., are the very sentiments contained in the report, only, as Marlow says in the play, "infinitely better expressed;" and so appropriate were they to the present crisis, that, had this speech met the eye of the committee before the report had been drafted, they would no doubt have adopted this extract instead of their own language. Mr. F. hoped, therefore, that while gentlemen were so anxiously endeavoring to fix the broad brand of nullification on the majority of the Judiciary Committee, they would remember to what peril they were exposing the fame and memory of the eminent and distinguished statesman to whom he had just alluded.

As to the principles of the report, Mr. F. said he should not now go into a defence of them. At a proper time, should it become necessary, he might do so, and felt no fears but that he should be able to sustain them. For the present he would only say that, as one of the majority of the committee, he was perfectly content to bear any responsibility which the report might involve. That responsibility he would meet before his constituents, to whom alone he acknowledged himself accountable for his conduct here.

Mr. STEWART said that, when he had addressed the House yesterday, he had had no opportunity to examine the report, having, but a few moments before, cast his eyes upon it. He knew not at that time who was the author of the report, nor did he know that it met the approbation of his worthy colleague, [Mr. Coulter;] nor had he been aware of the fact, that the bill had the approbation of only two members of the committee, who reported it, viz. the gentleman from Kentucky, [Mr. Daniel,] and his colleague, [Mr. Coulter.]

[Here Mr. ELLSWORTH interposed, and explained. In what he had said yesterday, he had not asserted that the four members of the committee who had presented the bill and report to the House, did not agree to the report, but that only two fully approved of the bill.

Mr. DANIEL said that the gentleman from Connecticut [Mr. Ellsworth] had been mistaken as to what Mr. D. had said. All the committee approved of the bill, with the exception of three or four, [the committee contains seven members,] but some thought that it did not go far enough.]

Mr. STEWART resumed. He was very sorry, on looking into the report, to learn that his colleague [Mr. Coulter] gave it his entire approbation. A revision of this document had only confirmed the impression he had before expressed, that it contained the essence of nullifi-

cation, the essence of anti-tariffism, and the very quintessence of anti-Jacksonism. If the language of that report was true, the President had not only recommended to Congress to violate the constitution, but had himself violated it. [Here Mr. S. quoted the report.] Now, if it was unconstitutional even to recommend that the location of the custom-house in Charleston should be changed, then had the President himself actually violated the constitution, for the custom-house had been removed, and, upon their own principles, the committee, instead of a bill, should have reported an impeachment; but he entirely dissented from the doctrine of the report.

Mr. McDUFFIE here interposed, and inquired of Mr. STEWART whether he was authorized by the President of the United States to say that the custom-house at Charleston had been removed.

Mr. STEWART replied that he was not. He made the statement merely from what he read in the newspapers, and it had not been contradicted.

With regard to his course in that House, he was as responsible as his colleague, both there and elsewhere. His colleague seemed to think that he attached too much importance to names. Now Mr. S was utterly ignorant upon what evidence his colleague had made this assertion. Mr. S. was unconscious of ever having followed names: he had followed principles, and principles only. The gentleman knew that nearly three-fourths of the people of Mr. S.'s district were in favor of an individual whom Mr. S. had never supported. General Jackson had received, at the last election, a majority in his district of 2,600 votes. The gentleman, he hoped, would not charge him with being at home a Jackson-man, and here an opponent of Jackson. He was at home what he was here. He would support General Jackson's measures (as he did this) when he thought them right, and oppose them when he thought them wrong. He entertained great respect for the character and talents of his colleague: he made no pretension to the same sagacity, or to as enlightened a mind as that gentleman possessed, but he would not submit to have it imputed to him that he attached too much importance to names. His course in the House, and out of it, was his most effectual vindication from such a charge. He was governed by measures, and measures only.

Mr. CRAIG, of Virginia, said he did not approve of all the matters contained in the report, but he was nevertheless in favor of the resolution to print, because he thought it proper, at all times, to give the people information, especially on a great subject like this. It was their right to be informed. Mr. C.'s constituents ought to have an opportunity of revising the errors he might commit, and of putting, if they thought proper, another in his place.

Mr. WHITTLESEY, referring to the preciousness of the time of the House, moved the previous question.

The motion was seconded: Yeas 59.

The previous question was then put and carried; and the main question, on adopting the resolution, was agreed to: Yeas 74.

So the House ordered the printing of 25,000 copies of the bill and report.

FLORIDA CLAIMS.

A bill for the relief of certain inhabitants of East Florida coming up, as reported from a Committee of the Whole, with an amendment, to strike out the enacting clause of the bill,

Mr. WHITE, of Florida, observed that the bill had been defeated in committee by a majority of four or five votes, owing to erroneous representations, and to the committee's being unacquainted with the facts of the case—the chairman of the committee which had reported the bill not having been permitted to go into the explanations which were necessary. As he had no wish to detain the House at this time, by going into a discussion of the bill, he would move that the House do not concur in the report of the committee, (recommending that the enacting clause be stricken out,) and, if this motion should prevail, he would immediately follow it up by a motion to lay the bill upon the table. This would lay the whole subject over till next session: but, if this course should be refused, he must then, however reluctantly, enter into a full explanation of the facts on which the claims of his constituents were founded.

Mr. WICKLIFFE said he thought he could suggest a better course. He was opposed to having the House refuse its concurrence to the committee's report, because, when the bill should come up hereafter, that fact would be pleaded with great effect in favor of the bill. He did not wish to have a decision on it at this moment; and, as a middle course, he would therefore move to recommit the bill.

Mr. TAYLOR was about to explain in reply to the remark of Mr. WHITE, that the bill had been defeated in committee by indirect means; when

Mr. WHITE interposed, and assured the gentleman that his allusion had not been directed to him. The bill had been defeated, as Mr. W. had afterwards learned, owing to the statements of individuals behind him, insidiously made while he was addressing the Committee of the Whole House, and insinuating that the claims provided for in this bill had been twice paid already.

Mr. WICKLIFFE here rose, and said—That remark refers to me: and if the Delegate from Florida means to say that I made any representations in reference to this bill, other than such as I was warranted to make, I say that he misrepresents me. It is true that I did ask the gentleman who negotiated the treaty of 1819, [Mr. ADAMS,] whether any such claim as that now to be satisfied had been adjusted, and that gentleman said that no such thing had been thought of. The Delegate had then stated that the claims settled by that treaty were those which arose in West, and not in East Florida.

Mr. WHITE said that it had been stated to him, by a gentleman who had voted against the bill, that he had been told, on the authority of the gentleman from Massachusetts, [Mr. ADAMS,] that the claims in the bill had been twice paid already. Mr. W. had then inquired of the gentleman from Massachusetts whether he had said this, and the gentleman had replied that he had not. Mr. W. was then told that it had been the gentleman from Kentucky [Mr WICKLIFFE] who had said that the claims had been twice paid. There was not the slightest shade of truth in the assertion. The gentleman from Massachusetts had referred to the claim of the Kempers, in another province.

Mr. ADAMS said that it was very true that he had said to the gentleman from Kentucky that he thought that these claims had been twice paid; and he had said so, understanding this to be the same claim as had formerly been urged upon Congress by an individual by the name of Kemper, who appeared here as the agent of individuals in East or West Florida, and he did not remember which. But the gentleman from Florida had since assured him that the claims in this bill were wholly distinct from that which Kemper had urged. Kemper's claim was founded on something like an insurrection in one of the Floridas, which the United States was charged by Spain with having improperly countenanced, insomuch that a General Mathews and certain troops of the United States had there been engaged in some military operations, from which the claimants had suffered, as they alleged, great loss and injury. Mr. A. had said that, in the treaty of 1819, no claims, under the operations of any army of the United States, previous to what was usually known by the name of the Seminole war, were provided for.

Mr. MARDIS said he presumed he was one of the in-

dividuals referred to by the gentleman from Florida, as having been engaged in an "insidious" course in relation to this bill. Mr. M. had been asked by Mr. W. why he had voted against the bill; and had replied that it was because he had understood that the claims had been twice paid already. On being pressed as to who had given him such information, he had stated (as he supposed himself warranted to do, the communication not having been made to him under any seal of confidence or secresy) that it was the gentleman from Kentucky, [Mr. Wickliffe.]

Mr. ARCHER said that the bill before the House did not contemplate any claims in West Florida: it was to these only that the gentleman from Massachusetts referred; but these claims had not been paid twice, or once; they had never been paid; and satisfactory evidence of their justness had been before the Committee on Foreign Affairs. [Mr. A. is the chairman of that committee.] The claims did not arise under the treaty of 1819, but rested on other grounds.

Mr. WHITE, of Florida, said he must claim the indulgence of the House to make a short explanation in answer to the statements of the honorable gentleman from Massachusetts, [Mr. Adams.] It now appears, said Mr. W., that this bill was lost in the Committee of the Whole, by the misapprehension of that gentleman, and the publicity given to it by the gentleman from Kentucky, [Mr. Wickliffe.] He stated, upon the highly respectable authority of the gentleman from Massachusetts, that these claims had been paid, and this passed around this hall by a sort of under-current, which is generally more injurious than open argument. I acquit the gentleman of any misrepresentation; and yet this is a remedy discovered after the patient is dead. The gentleman would have done those claimants more justice by stating from his place what he had to say, where it could have been met and refuted, as I am now ready to expose it. I now say, sir, that any statement, from any quarter, that these claims have ever been paid by Spain, or the United States, is entirely destitute of any foundation in fact. They never have been paid, and I am ready to prove it by documents I hold in my hands.

The insurrection of Kemper, in West Florida, was in that district of country claimed to have been ceded to Spain, by the treaty of San Ildefonso to France, and by France to the United States in the treaty of 1803, which cession was denied by both France and Spain. The United States stimulated that insurrection, and took possession of the country avowedly to suppress it. The Kempers were paid. This was an invasion of East Florida at a time of profound peace, at a moment when the King of Spain was in duresse. It was an invasion which the gentleman may well say was in pursuance of some secret policy of the Government. It is a part of our history, on which no American who cherishes with pride the honor of his country, can recur to with pleasure or satisfaction; and it is better not to remember much of it. This was an invasion of the province of an ally, and the military occupation of the province of a friendly Power for eighteen months, to the great injury of the inhabitants of the province. These people have been transferred to us, with a solemn assurance that their losses were to be indemnified. We are now told that this treaty was intended to indemnify the Spanish inhabitants for General Jackson's invasion. Sir, I have a great respect for the opinions of the gentleman from Massachusetts; I know he states what he believes, and is incapable of stating any thing else.

I hold myself ready to prove by the documents, the correspondence, the treaty, and protocol of conference, that these claims were embraced by the treaty; and I will prove, under the hand of the gentleman himself—[Mr. W. was proceeding to read from the treaty, when the Speaker reminded him that, on a motion to recommit, it was out of order.]

Mr. W. said he was in favor of recommitment to the Committee of the Whole, that he might do justice to these much injured people. It is apparent that the first section of this bill was stricken out by a lean vote, under a misapprehension. The House owes it to itself to place it in the same situation, that justice may be done. The Committee on Foreign Affairs ought to be heard, and I intend myself to be heard in vindication of its provisions.

Mr. THOMAS, of Louisiana, said that he knew all about the claim of the Kempers. There were several of them, and they had got into a fight about their claims to a certain tract of land in what was then West Florida. In consequence, a number of men were raised, and Mr. T. was the officer who had commanded them. They had taken a fort from the Spanish authorities, and established themselves in it. They were, in fact, a third power. They had had a convention, and had legislated under its authority, and so the United States had found them when it got possession of the province. They had delivered up the fort to the United States officers.

The question being now put, the bill was recommitted.

THE TARIFF LAW OF 1832.

The bill explaining the 18th section of the tariff law of 1832, coming up as the unfinished business of yesterday morning,

Mr. DAVIS, of Mass., said this was a measure of considerable importance, as he would attempt to show, and ought to be acted upon definitively, without further delay. He would, in what he had to say, endeavor not to repeat what had been urged by the gentleman from New York on his right, [Mr. Cambreleng,] and would correct the erroneous, very erroneous reasoning of the gentleman from the same State, on his left, [Mr. Hoffman.] In July, 1832, Congress passed a law making material reductions in the revenue, by reducing the duties on many articles of merchandise, and by authorizing the importation of others free of duty. The 18th section was inserted in this law to prevent its unjust operation upon merchants who had imported goods subject to the old rate of duties, for it was foreseen, if an article had been charged with 100 per cent. duty, and was at once let in free, those who should happen to have it on hand at the time of the change would be great sufferers. The law of 1832 was enacted to go into operation on the 3d of March, 1833, and the 18th section provides that all persons holding goods in the original package, whether imported before or after the passage of the law, might deposite them in the custom-house stores at any time before the 3d of March, 1833, and be thereby entitled to receive from the United States money, or a credit, if the duty bonds were not paid, equal to the difference of duties imposed on the merchandise by the two acts. If, for example, said he, a merchant has imported a cargo of pepper, which is now subject to a heavy duty, and gives his bonds payable in 9, 12, and 18 months, he will, if he deposite the pepper in the custom-house stores, be entitled to have his bonds cancelled, and, if he has paid any thing upon them, to have that restored, because pepper is made free; and this is indispensable to place him upon as favorable a footing as those who import after the 3d of March, as he should by and by show.

The gentleman from New York [Mr. Hoffman] rises here, and with great gravity makes a significant inquiry of his colleague. He desires to know what amount of money this will take out of the treasury; as if the act of 1832 was to be interpreted by that rule. He contended, the amount, be it more or less, was wholly immaterial; first, because we had determined, by the law of 1832, that it should be refunded, and it would be to a great extent, whether this explanatory act were passed or not, unless the 18th section were repealed. And, se-

condly, because most of the goods embraced by this section were entitled to debenture, and it was past the ingenuity of the gentleman to prevent the merchants from exporting them, landing them in a foreign country, and importing and entering them a second time under the law of 1832. This he could not do, unless he repealed the debenture law, and he believed the Government was not quite ready for that. It seemed to him that some gentlemen in the House were horror-struck lest the revenue laws should make the treasury overflow; but whenever there was money in it, none sit so like an incubus upon it. None were so unwilling it should go out, even to satisfy the most just and reasonable claims. The gentleman says, because he thinks the sum will be great, he would not let it go out. He [Mr. D.] would tell him what the merchants would do when that decision was made; when you grow so unjust as to deny to them the benefit of a law you have passed, when you veto the 18th section, they will export their goods under the general laws authorizing it at any time within three years from the time of importation, and return them into the country again as they have a right to do, draw the whole duty accruing under the first entry from the treasury, and take the credit allowed by law on the second entry for the new duties. Thus, the scheme of the gentleman, instead of relieving the treasury, would embarrass it; instead of drawing out the difference of duties imposed by the two laws, it would draw out the whole of the old duty, and defer the payment of the new the usual term of credit allowed by law.

This would be the effect of attempting to evade your own legislation for the purpose of injuring, and he declared he had almost said defrauding, your citizens. You would subject the holders of these goods to very heavy and needless expense in freight and charges, and very obviously embarrass the treasury. He hoped by this time the gentleman from New York was convinced that little benefit would arise in any way from attempting to embarrass the merchants whose goods are entitled to debenture.

[Here the time assigned for the consideration of other business arrived, and this bill was deferred until the next day, when the subject was again brought before the House, and Mr. D. resumed his argument.]

He said he had, when up before, disposed of that part of the subject which related to goods entitled to debenture. It was now necessary to state why there was any cause whatever for legislation. This he would do in a few minutes. The 18th section of the act of 1832 was perhaps a little ambiguous in its phraseology. Yet, on reading it over, the mind cannot by any fair inference, he thought, arrive satisfactorily at but one conclusion.

1. It allows goods imported before, as well as those imported after its passage, to be stored for the return of duty.

2. "And if the duties, or any part thereof, on the articles deposited as aforesaid, shall have been paid previous to the said third day of March, the amount so paid shall be refunded."

Is it not clear, said he, that goods imported before the passage of the law are as well provided for as those imported after?

Is it not equally clear that those on which all the duties were paid were as well provided for, as clearly embraced by the bill, as those under bond?

He said it seemed to him these positions were undeniable; but if the language of the section needed extraneous support to give to it meaning, then he asked the gentlemen of this House what they meant when they voted for it. They intended to return duties to somebody—who was it? The act says, to all who held the goods in the original package—and did we mean to make invidious discriminations? Did we intend that one man who held goods in the original package should have the benefit of it, and another should not? He would say for one that he did not so understand the matter; he had no such purpose, but meant to measure out justice to all alike.

Yet it is the decision of the Secretary of the Treasury crossing these obvious views that calls for this legislation. The act of 1832 gives him power to make rules and regulations for carrying it into effect, and it seemed to him the Secretary had, under this provision, exercised power enough to almost nullify the act.

He had, in the first place, decided that none but the original importers should have the benefit of the act. Yet the act says the goods may be deposited under the bond of the importer or owner. What is the meaning of the word owner? If, Mr. Chairman, you were put to choose a word from the English language, by which you would convey distinctly the meaning that the proprietor of the goods should have the benefit of the law, what word would so aptly, so explicitly convey the exact meaning as owner? None; none can be found so appropriate, and yet the Secretary makes it mean nothing, or gives to it an unheard of definition, making it synonymous with importer.

What is the effect of such a decision? It lets the importer into the benefit of the act, but shuts out all other owners. The consequence is, that if A imports a cargo of pepper, and sells one-half to B, A can place his in the custom-house, and bring it into the market without paying a cent of duty, while B must pay the whole duty, which is, he thought, 100 per cent. or more, and then sell his goods for the same that A does, though they are in exactly the same condition as A's. Did this House, he said, ever imagine it had or could give its sanction to a law, with such unjust and absurd provisions as this? On what principle can such a decision be sustained? It ought certainly to have the clear and decisive provisions of law in its favor. Nothing else can justify it. Such partiality and favoritism, if sanctioned by this House, should appear to be sustained by very unequivocal language. Yet, for one, he could find nothing in the act which seemed to justify such an inference. Others might see and think differently: he could only speak of his own impressions.

This decision, of course, had created great sensation, and well it might: for no one can pretend, for a moment, that things should be so. If the law calls for such a decision, then the law is unwise and unjust, and should be altered at once: for it is a reproach to those who made it. If the law is right, and the decision is wrong, then we are as imperatively urged to overrule that decision, by an explanatory act, as the only effectual remedy for the evil.

But this is not all: the Secretary has decided further, "that the right conferred by that section [18th] is to be confined to such goods as have been heretofore imported, on which the full amount of duties has not been paid, and such as may hereafter be imported." This circular is dated the 20th of August. The amount of this decision is, that no importer who did not, on the 20th of August, 1832, owe the United States on his bonds for duties, could have the benefit of the act. The importer who paid cash for the duties, was denied the privilege of the act, while he who took the term of credit allowed by law, even if it had expired, and a balance was still due, was entitled to a return of duty.

Thus, one who made prompt payments in cash was punished as if he had offended against the Government, while he who violated his contract by non-payment was rewarded as a benefactor. This decision could not stand; it was, therefore, on the 11th of September, modified so that all goods on which the usual term of credit for duties had not expired before the passage of the act were declared to be entitled to the benefit of it, although the duties had actually been paid.

These two decisions uprooted all the salutary provisions of the act. What was intended to be general was made special, favoring a few individuals, instead of bearing equally upon the public. The act says not a word about the term of credit allowed by law, and yet the Secretary says its operations shall be limited to that term.

What is the effect of this? In the first place, all who own goods which have been imported more than eighteen months, the longest period of credit, must be driven to the expense of exporting them, if they are entitled to debenture. And those who hold goods which have been imported more than three years are shoved entirely on one side, and denied the benefit of all participation in a return of duties. Yet the act provides as well for all goods imported before its passage as after; and as well for those on which all duties are paid, as for those on which the duties are wholly unpaid, or only paid in part. The holders of goods in the original package, which have been in the country more than three years, will under any circumstances probably be the greatest sufferers. Such goods, it is obvious, hang heavily on hand; they are not saleable; the holders find them a drug; and yet the Secretary insists they shall not have the benefit of drawback in any form, but shall sacrifice out of their own pockets the difference of duties between the old and new law, while he would allow a more recent importer to draw that difference out of the treasury. Is there any justice, any equity, any reason, in allowing this privilege to him who has a cargo, and denying it to him who happens to have a single bale, merely because he has not been able to sell that bale within three years? He could not be reconciled, he said, to such an administration of the law as this. It looked too much like a forced attempt to retain money in the treasury, right or wrong.

He invited the attention of the House to another view of the matter. The credits allowed by law on duties were unequal. On goods imported from beyond the equator at nine, twelve, and eighteen months: on goods from Europe eight, ten, and twelve months: on goods from the West Indies six and nine months. The decision of the Secretary is, that if the term of credit had expired before the passage of the law, the importer cannot deposite his goods for drawback. Now mark the effect: a cargo of coffee coming from Cuba, which is north of the equator, could not be deposited for drawback if it had been in the country nine months before the passage of the law, while one brought from Brazil, if it had been in the country short of — months, could be deposited, and the whole duty drawn out of the treasury. Did any gentleman here, when he voted for the law, suppose he was authorizing such an odious distinction? That he was relieving the merchant trading to Brazil, and denying the like privilege to him who trades to Cuba? He did not hesitate to declare that the House was never actuated by any such motive; that it never intended to give just cause for reproaching it with acting partially and in the spirit of favoritism.

He said he rose merely to lay before the committee these objections to the course pursued by the Secretary, and to show how necessary it was for this House to exercise its authority in giving a just construction to its own legislation. He would detain the committee but a few minutes longer. These decisions had restrained the operations of the 18th section of the act of '32 in such manner as to make the law unjust, inequitable, and much less beneficial than he thought it was designed to be.

1. None but importers were allowed the benefit of it.

2. And only such of these as had imported their goods within the time of credit allowed by law at the passage of the act.

The people of the United States complained loudly of the injustice; they appealed to this House, and he trusted they would not appeal in vain.

It had been said by the gentleman on his right [Mr. Cambreleng] that he should sustain an amendment to cut off all holders of goods not entitled to debenture. Mr. D. said he should do no such thing; he should make no such offensive discrimination, but should consider the trader who held one bale in the original package as much entitled to the justice of this Government as he who held a cargo. He could not accede to the doctrine of the gentleman from Kentucky, [Mr. Wickliffe,] that because a man had but a crate of ware, he was to be shoved on one side, as not worth regarding. He should oppose such an amendment, though he feared, from the support it seemed to have, it would be carried. The 3d of March, 1833, was at hand; and if any thing was done, it should be done quickly, that the merchants might be able to understand how to act.

Mr. WICKLIFFE disclaimed all wish to subject the merchants to the trouble and expense of reshipping and bringing back their goods, in order to avail themselves of the benefit which this bill would secure to them. But believing it to be too extensive in its range, he would move to amend it, by adding a proviso, declaring that none should be entitled to the benefits of drawback under this bill, who would not have been under the former law.

Mr. CAMBRELENG concurred with the gentleman from Kentucky, in thinking that the act of last year went beyond the true line. He thought the gentleman from Massachusetts had done some injustice to the Secretary of the Treasury. The whole difficulty in interpreting this eighteenth section of the bill, had grown out of an amendment introduced in the Senate by a very distinguished member of that body from Kentucky: the words of the bill, as it went from this House, were, "the importer or owner:" the words inserted by the Senate were, "any person importing and depositing" the goods in the public stores. The House had intended to grant the benefit of debenture to all, whether importer or not; the amendments of the Senate gave the bill a different operation; and the Secretary had been embarrassed between the two passages.

Mr. C. then moved an amendment to the bill, [which we have not been able to procure.]

Mr. DAVIS was not aware that he had done any injustice to the Secretary: he had not pretended to arraign the motives of that officer. Mr. D. entirely dissented from the proviso offered by the gentleman from Kentucky: it went to curtail the effect of the eighteenth section of the bill, and restricts its benefits in an unjust manner.

Mr. HOFFMAN insisted that his colleague [Mr. Cambreleng] and the gentleman from Massachusetts [Mr. Davis] had not touched the material question involved in the bill. They seemed to consider it as sufficient to show that the merchants could get the same benefit as the bill conferred, by going to the trouble of exporting their goods and bringing them back into the country. Mr. H. did not deny this. But he was not satisfied that other holders of goods could get the same advantage if the goods held by the merchants remained in the country, as they would if the merchants should export them. When gentlemen told the House that, if the bill should pass, the treasury would have to pay less than if the merchants reshipped their goods, and bringing them back claimed a drawback of the whole duty, they were under a mistake; because, if they should be thus reshipped, they must on their return bring into the treasury just as much as they would leave in it should the bill pass.

The eighteenth section ought, in his opinion, never to have been in the act at all. The Secretary's construction of the law had been justified by some of the best lawyers in the country. Besides, the partiality of which the gentleman complained would be just as great under this bill as under the law it explained. Why should a man who

owned an unbroken package of goods be entitled to more privilege than he who had been obliged to open his package? This was in many cases indispensable: it was so in many branches of manufacture, as well as in the case of retail dealers: ought the holders of all the original packages to be benefited at the expense of these less favored individuals? So the bill would operate. Mr. H. thought the construction of the Secretary was as wide as it ought to have been. Supposing large quantities of these goods in the original packages should be destroyed by fire, would the House restore the duties? He believed former decisions had been to the contrary. Wherever the duty was refunded, it was on the principle that the goods were in the process of consumption. Another objection to the bill was the swearing that it would occasion. No wise legislator would seek to multiply oaths. It was said that the merchants could avail themselves of the right of exportation. This was very true: and it was precisely what Mr. H. desired. Let them take the goods out of the country: and the sooner the better; he hoped they would never return: and if not, the country would be in so much better condition. He knew that there were many who would not re-export, but would avail themselves of the market at home. Mr. H. was as willing to see prices go down as any individual in the House, but he wished them to do so in the natural course of things. He was in favor of the restriction proposed by the gentleman, [Mr. WICKLIFFE.] Should this bill pass, it would be considered as settling the general principle that whenever duties were reduced the Government was to remit the difference of duty. Petitions and remonstrances would be poured in upon the House, and it would be impossible to resist them. What would be the consequence of passing such a bill and establishing such a principle? All would import as much as they possibly could; they would sell what they could, and for the rest they would get the duty returned. The bill would be an invitation to glut the market with foreign goods: it was an invitation to the importers to do as much injury as possible to those who were not favored in the like manner, though they were as worthy of the regard and protection of the Government as themselves.

Mr. CRAIG now moved that the committee rise. The yeas were 56, nays 36. No quorum having voted, it was moved that the committee rise, and report the fact: another count was had, when it still appearing that there was no quorum,

The committee rose, and reported to the House that no quorum was present.

The Sergeant at Arms was thereupon despatched by the SPEAKER to invite members from other parts of the building.

A number of members having come in, and a quorum being present, the SPEAKER left the chair, the committee resumed its sitting, and Mr. CRAIG renewed his motion for its rising.

The motion prevailed: Yeas 83, nays 37.

The committee thereupon rose, and reported progress.

Mr. DRAYTON moved that the House now take up the

TARIFF BILL.

The motion prevailed, and the House resumed the consideration of that bill, and the motion to recommit it with instructions:

Mr. DRAYTON now modified the instructions he had proposed as follows.

Be it enacted, &c. That from and after the 3d day of March, 1834, the rates of duty then payable by law on the following goods, wares, and merchandise, to wit: on wool and woollens of all kinds; on iron, or manufactures of iron or steel of all kinds; on cotton, and manufactures of cotton; on hemp, and manufactures of hemp; on sugar and sirup of all kinds; on glass of all kinds; on leather, and manufactures of leather of all kinds; on ready-made clothing of all kinds; on manufactures of wood of all kinds; on manufactures of tin, brass, copper, lead, or pewter, japanned wares, gilt and plated wares, cabinet wares, saddlery, bridle bits, paper and paper hangings, hats of all kinds, side and firearms, muskets, rifles, slates of all kinds, cotton bagging, oil cloths of all kinds, brushes of all kinds, molasses, flax, candles, cheese, soap, beef and pork, indigo, gunpowder; lead, white or red, dry or ground in oil; sugar of lead, bar lead, shot, cordage, twine and pack thread of all kinds, litharge, corks, alum, copperas, salt, coal; shoes and slippers, and boots and bootees of all kinds; salts, butter, glue, oils of all kinds, subject to an ad valorem or specific duty, excepting where the rate thereof shall not exceed twenty per centum, shall be reduced annually five per centum; and that the rates of duty on all other articles, then liable to an ad valorem rate of duty, shall be reduced annually ten per centum; and on all other articles subject to a specific duty, in a like proportion, until the nett amount of duty received therefrom shall not exceed the sum which may be required for the authorized expenditures of the Government: *Provided*, That if the nett amount of revenue aforesaid shall only be equal to, or shall fall below such expenditures, before the rate of duty on the articles herein particularly enumerated and described be reduced to the rate of twenty per centum, in the manner aforesaid, the said annual reduction upon the articles enumerated in the first paragraph of this section shall continue; and the rate of duty upon all other articles, as aforesaid, shall be thereafter annually increased in the same proportion, provided such increase shall in no instance exceed the rate of duty payable thereon on the 3d of March, 1834: *And provided*, That, when any rate of duty shall be less than twenty-five per centum, such reduction only shall be made as will not reduce the same below twenty per centum.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause such instructions to be given, and to prescribe such rules and regulations, as shall be necessary to carry this act into effect.

Mr. DRAYTON said that, after hearing the instructions proposed yesterday by the gentleman from New York, [Mr. WARDWELL,] he had become convinced that there were serious defects in those which he had himself proposed; and what he now offered consisted, in part, of his former motion, in part of that of the gentleman from New York, and in part of original matter.

It must be obvious to all who attended to the signs of the times, that the impulse, formerly so strong in favor of a system of high protection, had subsided. In 1816, which might, by way of distinction, be called the era of protection, the people of the Union had strongly desired the adoption and continuance of that policy. This state of the public mind had continued, as was manifest from the successive laws of 1818, 1824, and 1828. In 1830, there had been symptoms of a change. An attempt had been made, in 1830, in reference to the articles of salt and molasses, to change the policy. Since then, that change had been going on without intermission. In many of the States where, formerly, the people were unanimously in favor of the protective policy, large masses of the inhabitants were now diametrically opposed to it; and two entire States had, in this respect, changed their character.

In the meanwhile, the friends of free trade had proportionably increased. None could now shut their eyes to the fact that the Legislature was called to prepare a law adapted to this changed attitude of the public mind: and all the friends of protection ought to combine in order to save the system from the effects of too great a reaction. The public debt would soon have been paid, and the people never would consent to have their money taken out of their pockets to produce a surplus revenue, to be-

come a source of perpetual wrangling on that floor. Had no revenue been raised beyond the actual wants of the Government, the country would never have been agitated by disputes about the tariff.

Three great objects were to be kept in view when passing a bill at this time: 1. To reduce the revenue to the wants of the Government; 2. To save the interests of the manufacturers from injury by a reduction too sudden and violent; and, 3. To equalize duties.

Mr. D. briefly remarked on each of these objects, and explained the instructions he now proposed, as going to effect all of them as far as practicable.

The instructions, thus modified, being before the House,

The CHAIR inquired whether the gentleman from Kentucky, [Mr. Wickliffe,] who had proposed an amendment to them, as presented yesterday, still continued his amendment to the instructions as now modified.

Mr. Wickliffe not being in the House to answer,

The CHAIR said it would be presumed that the amendment was still before the House.

Mr. WARDWELL now withdrew the instructions he had yesterday proposed.

Mr. BOULDIN said that every object he had in view was, he knew, desired by the gentleman from South Carolina; and if there were any difference between them, it could only have respect to the mode of getting at the end they both had in view, which was none other than the settlement of this vexed question on the most fair and equitable grounds. The time had gone by, he was aware, for the making of tariff or anti-tariff speeches on that floor; he would, therefore, offer but a few words to the House. Frequent asseverations had been made by gentlemen coming from that part of the country most interested in the policy of protection, that they had had no distinct proposition presented to them to which Southern gentlemen were prepared to commit themselves, so that, should they be embraced, the others might have reasonable ground to expect that they should not again be interrupted on the ground of future calculations. Mr. B. had now brought forward a proposition which he was ready to pledge himself to abide by, now and for aye.

Mr. B. then offered the following:

"To recommit, with instructions to report a bill—

"1st. Increasing the list of free goods, as far as that may be done without detriment to the home producer.

"2d. To reduce the duties now called protecting duties, commencing on the 1st day of January next, taking from the rates of duty provided by the act of 1832 one-eighth part of the sum or rate which the said duties exceed twenty per cent., and so proceeding annually to abate one-eighth of the original excess, so that on the 1st day of January, 1841, the said protecting duties shall be twenty per cent., and no more. And, in so reducing the said duties, the specific and square yard duties, provided by the act of 1832, shall be retained, and in that form the said duties to be regarded as equivalent to ad valorem duties, bearing the same proportion to the foreign cost or value that the said specific rates bore to the average cost of the articles to which they apply, of the import of 1831, to be annually reduced, upon the foregoing principles, until the specific or square yard duty allowed shall be equal to twenty per cent.

"3d. To guard against a deficiency of the revenue by replacing moderate and rising duties on coffee, tea, wines, silks, spices, jewelry, and other luxuries, commencing when it appears probable that the revenue will become deficient from the gradual reduction of the protecting duties."

Mr. B. said that he should greatly have preferred to have ad valorem duties on all articles whatever, and should have insisted on this, but from conversations with gentlemen connected with the manufacturing interests, and who had exhibited something like feeling for the situation of the Southern States, that it was necessary to save the manufacturers from severe injury, to substitute specific duties on those articles now protected by duties of that kind. The plan of the gentleman from South Carolina did not embrace all the ground covered by Mr. B.'s proposition, particularly that portion of it which provided, in case of a deficit of revenue, to advance the duties on coffee, tea, wines, silks, jewelry, and other articles of luxury. Mr. B. consented that some goods should be duty free; he was willing that the fall on the protecting duties should be very gradual, and that, in case of need, there should be a corresponding rise on articles not protected.

The proposition of Mr. B., though not in order at present, was read at the Clerk's table.

The question being on Mr. Wickliffe's amendment, viz. to amend the instructions proposed by Mr. Drayton, by striking out all after the words "report a bill," and inserting as follows:

"To modify the existing laws imposing duties on imports, as follows:

"The act of July 14, 1832, to be taken as the basis, and that the duties be so reduced, that, by the 4th day of March, in the year 1840, the amount of duty imposed upon imported articles shall be reduced to a sum not exceeding twenty per centum, and that the reduction be apportioned on the respective years between the 3d of March, 1833, and said 4th of March, 1840, inclusive, in equal proportions."

Mr. ARNOLD inquired whether the question was not divisible. He wanted to ascertain whether the House was willing that, after weeks of laborious discussion, the bill should be sent back to the committee from which it came.

The CHAIR replied that the question was divisible, but nothing would be gained by dividing it, as, if the House agreed to recommit, instructions could immediately be offered, and, if they refused, no instructions would take effect.

Mr. IRVIN, of OHIO, now gave notice that he should offer the following draught as instruction to the committee:

Be it enacted, &c. That the duties now required by law to be paid upon the goods, wares, and merchandise, imported into the United States, on and after the 4th day of March next. shall be reduced twenty-five cents on every dollar of such duty, by five annual reductlons, of five cents in the dollar for five successive years; the first of said reductions of five cents to take place on the oth day of Marce, 1834, and the like reduction of five cents on the 4th day of March of each succeeding four years. And if the revenue then shall exceed the sum ot fifteen millions of dollars, then the same grade of reduction shall be continued until the revenue be reduced to that sum."

Mr. IRVIN said that he could not give his assent to the amendment proposed by the gentleman from Kentucky, [Mr. Wickliffe,] because it commenced on the protected articles only, and left the others as under the law of 1832; this was doing injury without any compensating good. The plan Mr. I. proposed had a different basis; it presumed that in a bill so fully considered and matured as that of the last session, the scale of duties was justly arranged as to the comparative protection on different articles: he wished to preserve the proportion then fixed, and to reduce the whole on articles protected and unprotected, at the same rate. He was in favor of reduction; but of reduction so conducted that the manufacturing interest should suffer as little as possible. He wished to protect the North and to satisfy the South, so far as the two purposes could be unitedly effected. He was one of those who held that the consumer paid the duty, and if so, what matter was it on what articles the revenue was collected, provided they were articles in general use.

Mr. CAMBRELENG observed that there was a radical

defect in the plan of the gentleman from South Carolina. He was never willing, where the rate of duty admitted of being specifically fixed, of leaving it unsettled. He was much pleased with the proposals of the gentleman from South Carolina, [Mr. DRAYTON,] and his colleague, [Mr. WARDWELL.] If carefully regulated, he thought either of those schemes might be made to meet the approbation of a majority of the House. Much as he was opposed to the policy of protection, he was for graduating the reduction of duties on a scale as moderate as possible. Mr. C. never had believed that the bill from the Committee of Ways and Means could have been acceptable without great modification. It would have produced a rush of importation that could not but have been attended with the most injurious effects. The provisions of that bill, especially as regarded the article of spirits, must have produced a scene of speculation altogether unparalleled in the history of this country. He knew that all propositions coming from those who thought with him on the subject of free trade would be received with great jealousy by the friends of protection; and therefore he had made none. He approved the principles of the two propositions he had referred to. He could not consent, however, to go as far as to 1841: he thought the object could be accomplished short of that date by a semi-annual reduction of two and a half per cent. He would not, however, have this take place at the two periods of business, in the spring and fall, but at midsummer and in midwinter: and if there should be any deficit in the revenue, there was the whole circle of non-protected articles, on which the duties could either be raised or diminished as circumstances should require. It was not their duty to perform the task which belonged to a future Congress. He was willing to meet the question on the ground upon which it had been put by the amendment of the gentleman from Kentucky, [Mr. WICKLIFFE,] and the gentleman from New York, [Mr. WARDWELL.] He liked their proposition, but he wished the duties to be fixed, so that nothing should be left to treasury legislation. The gentleman from Kentucky and himself did not differ in principle. Mr. C. entreated the friends of protection, for their own sakes, to come into this proposal. They were now offered five, six, seven, and eight years as the period to which reduction was to extend. And they might rely upon it as the truth, that better terms were offered to them now than they would be able to obtain next year. While Mr. C. wished for a bill on this principle, it was obvious that no such bill could be framed by discussions in that House. Its details could nowhere be arranged but in a committee.

Mr. WAYNE said that, before he proceeded to give an explanation of the proposition which had been offered by the gentleman from South Carolina, [Mr. DRAYTON,] he should be glad if the gentleman from New York [Mr. CAMBRELENG] would tell the House in what respects that proposition differed from the plan proposed by the gentleman from New York, [Mr. WARDWELL.] The gentleman had said that he agreed to the principle of the proposition, but not to its details. The alteration which had been made in it was in conformity to the policy of reducing the revenue to the wants of the Government. Mr. W. then went into an explanation in detail of the several features of Mr. DRAYTON's plan. Its basis was the act of 1832; and its object was so to apportion the reduction, that the manufacturers of the country should not be reduced to ruin; and that if the small reduction of five per cent. annually should bring the revenue below the standard he had mentioned, or should leave it excessive, then the duty on the unprotected articles was to rise or fall accordingly. The reduction at this rate must occupy at least seven years. It was impossible that in a shorter period the interests of the manufacturers should be menaced. He knew that those gentlemen objected not only to a sudden reduction, but to any scheme which should bring down the revenue to twenty per cent. The plan now offered did indeed ultimately reach that point. But if gentlemen would look at the length of time in which this was to take place, they would see no cause of alarm. Mr. W. asked whether it could be wise, when they were offered entire security for seven years to come, to put this in jeopardy, and all the intervening protection together, with the guaranty that the reduction should never go below twenty per cent. The gentleman from New York [Mr. CAMBRELENG] had said that there was a radical objection to the scheme, because it left the power of legislation to the Secretary of the Treasury. He was at a loss to know what the gentleman could mean, or how the plan would have such an effect. It referred to a bill already passed, and it fixed the ratio of reduction. There might, to be sure, be a dispute as to what amount of revenue should be needed to meet the wants of the Government, but on that point Congress would be able to judge, as they had an annual exposé of the state of the finances, furnished, according to law, from the treasury. He invited the attention of gentlemen to one feature of this proposition. The whole list of articles now protected, the duty on which did not exceed twenty per cent., would be left untouched, together with all others not enumerated; many of which were such as entered into the daily consumption of the country. None of these were to be touched at all. Another advantage would be, that when the revenue should fall, there would be no reduction in the decrease of five per cent. annually, and the increase would only be on the unprotected articles. The general and ultimate object aimed at was a uniform tariff of thirty per cent. In those parts of the country where the great hostility to the protecting system was grounded on its real or supposed inequality, they of the South would have an experience of six or seven years to correct any erroneous impression into which they might have fallen, and to confirm such as were founded in truth. It was the earnest desire of the anti-tariff party that this proposition might be the beginning of some conciliatory system; but if it was to be embarrassed by an endless succession of amendments, it was very plain that nothing could be done. Facts which had transpired in the House indicated a strong desire that something should be effected. The House, by a very decisive vote, had refused to destroy the bill. If any compromise could be effected by giving time, the opponents of protection were ready to meet its friends. And, admitting that the Committee of Ways and Means should be permitted to bring in a bill in conformity with the instructions proposed, nobody would be committed. The House would not at last be bound to take the bill. The impression seemed to be general, that nothing effectual could be done with the present bill. Why, then, refuse to recommit? Or why embarrass the proposition of the gentleman from South Carolina? Would not a bill on the proposed basis be more acceptable than that which the committee had reported to the House? The amendments tended only to embarrass the House. Mr. W. did not mean to complain, but expressed his hope that the gentleman from Kentucky [Mr. WICKLIFFE] would relieve the friends of conciliation, by withdrawing the amendment he had offered.

Mr. W. said he had endeavored to watch the operation of different interests on the minds of gentlemen in that House, and he perceived that there were three distinct considerations which were in operation. There was one class which desired to continue a high tariff, which should bring a large surplus into the treasury, over and above the wants of Government, to be spent in accomplishing plans and views which he would not denominate profligate, because he was aware that the friends of internal improvement could, and did show too many strong reasons in support of their views to justify any one in applying to

them harsh or disparaging epithets. But the feelings and sentiments of the people of this country never would allow large accumulations in the treasury, because it was against the genius and principles of republican Government. The first principle of a free Government was, that when any plan was proposed, of a public nature, the people should be asked whether they were willing to bear the taxation necessary for carrying it into effect. Why should this rule be now departed from? Mr. W. could see no necessity for it. And he was very sure the people would never submit to it. There was a second class who wished to get rid of the public lands; while others were as much opposed to such a project, and had gone against the bill, because such a scheme seemed to be taken for granted in adopting it; while a third party would vote for no system which had for its basis an obligation on the Government to sell its bank stock. Now, the proposition advanced by the gentleman from South Carolina avoided all these several projects. It neither accumulated money for internal improvement, nor required the sale of the public lands, nor contemplated the sacrifice of the bank stock. In the full conviction that, while the proposition avoided all these agitating topics, it essentially secured the great interests of the country, and the rights of all its citizens, Mr. W. should give it his hearty support.

Mr. BELL said it was evidently impracticable for the House to agree upon the details of any bill, the instructions for which were to be sent to the Committee of Ways and Means. He felt a deep anxiety that the question should be settled, and settled during the present session of Congress. Yet difficulties seemed to accumulate on their hands, while but a short portion of the session remained. In the meanwhile they were spending hour after hour, and day after day, in fruitless effort to agree upon details which never could be settled any where but in a committee. He thought the best plan would be to recommit the bill, with all the amendments, and all the instructions proposed, to the Committee of Ways and Means. Let them look at the whole ground, and after having heard the four or five weeks' discussion which had already taken place, let them present a bill such as they judged most likely to meet with the approbation of a majority of the House. He trusted that twenty-four or forty-eight hours would be sufficient to accomplish this object.

The CHAIR said this was not strictly in order, and could only be done by the unanimous consent of the House.

Mr. CARSON suggested that the bill might be recommitted with this understanding, without any formal vote.

Mr. WICKLIFFE would say to the gentleman from Tennessee, that if he really desired the speedy action of the House on this subject, the very best mode to prevent it would be to adopt the course he had proposed. A new bill would have to be reported to the House. The House must then go into Committee of the Whole on the state of the Union to consider it; and when once the bill got there, Heaven only could tell when it would get out again: not, he feared, during this session. Mr. W. not wishing to contribute any thing to the embarrassment of the House, would for the present withdraw his amendment. Let a vote be taken upon the plan now before the House, and if it should be rejected, he would then offer his own.

Mr. CARSON said that the course before the House was now easy; and he moved to recommit the bill without instructions.

The CHAIR pronounced the motion not to be in order, as the motion before the House was to recommit with instructions.

Mr. CARSON then demanded a division of the question.

The SPEAKER repeated the explanation he had before given, as to the effect of a division.

Mr. ARNOLD insisted upon a division of the question. He had seen many strange things upon that floor; but, at an hour like this, to recommit the present bill would certainly be the strangest of all. He could not believe that the House seriously intended any such thing, and he wished the question to come up, that a decision might at once be had upon it. A bill had been reported to the House on the 27th of December; the House had gone into committee upon it on the glorious 8th of January; they had got the bill out of committee on the 9th of February, and now, in the midst of a full gallop, and the calling of yeas and nays, they had, all of a sudden, come to a dead halt; even the honorable gentleman from New York, [Mr. Cambreleng,] whom he supposed he was to consider as the head of the great free trade party of this country, had just put his veto on the bill. What did all this mean? What had they been doing the days and weeks past? Had they been at play? Had they been in a grand frolic on the people's money, and under the people's eye? It would seem so. He insisted on a division of the question. He was opposed to recommitting. He had predicted that the whole project would go off *in fumo*, and his prophecy was fast coming to pass. Really they had got to a pretty pass. That the interests of this Union, of all the thirteen millions of people whom they represented, were to be committed into the hands of two or three political jugglers. Yet could any one deny that it had come to this? What had brought the House to the dead halt? The case was plain enough. Gentlemen were afraid the others would get the start in the glorious work of compromise. He was for no such doings. He was not willing that the concerns of this country should be arranged and settled by the conflicting claims of two or three leading men. They were the representatives of the people, and not the followers or tools of any man. Let the House go on in the work in which it was engaged, and let the people know, by the records of yeas and nays, who and what they were.

Mr. ISACKS said he should vote to recommit the bill at large. He was about to proceed, but yielded the floor at the request of

Mr. DRAYTON, who withdrew his motion for instructions.

Mr. CARSON said he hoped the suggestion he had made would not be misunderstood. We ardently desired to see this question adjusted; and with the hope of more speedily accomplishing that object, he had wished to see the bill recommitted. The gentleman from Tennessee had said that he would not consent to put the affairs of the country in the hands of four or five political jugglers, neither would Mr. C., if the gentleman from Tennessee was to be one of them.

The CHAIR called Mr. Carson to order; no personal allusions could be permitted. The gentleman from Tennessee had not reflected upon the gentleman from North Carolina.

Mr. ARNOLD said that the gentleman from North Carolina had not even been in his thoughts when he was speaking of the great interests of this country; but if the gentleman chose to take any part of what had been said to himself, he had Mr. A.'s most devoted consent.

Mr. CARSON said he had considered the gentleman as alluding to the Committee of Ways and Means.

Mr. A. said he intended no such reference.

Mr. IRVIN inquired of the Chair whether the withdrawal of Mr. Drayton's motion for instructions carried with it those which Mr. I. had offered as an amendment.

The CHAIR replied in the affirmative.

Mr. I. did not think it was quite fair in gentlemen to speak of those who had offered amendments as "embarrassing" the proposition of the gentleman from South Carolina. Had that gentleman any greater right to propose plans of action to that House than any other members on that floor? If he had, Mr. I. was not aware of it, and it

would be quite as fair to accuse the gentleman from South Carolina of embarrassing the propositions of others. Mr. I. had had no intention of embarrassing the proceedings of the House. He had offered such a proposition as it was his right and privilege to offer. He had been moved by the hand of no political juggler. He knew of none such to whom the members of that House were subject. He had proposed the instructions he had submitted, because he had believed their operation would be better than that of those submitted by the gentleman from South Carolina; but, since that gentleman's had been withdrawn, Mr. I. should submit his, in the form of instructions to the Committee of Ways and Means.

Mr. CLAY, of Alabama, said that he was not aware that the gentleman from Ohio [Mr. IRVIN] had any more reason to complain, if his instructions should not be sent to the Committee of Ways and Means, than other gentlemen had. The time remaining for the action of the House was very short; and, under the impression that the motion he was about to make would cut off all amendments, and bring the House to the simple question of recommitment, he should move the previous question; but he wished to know whether its effect would be what he had mentioned.

The CHAIR replied that the effect of the previous question would be to cut off not only the instructions, but the motion to recommit, together with all the amendments reported from the Committee of the Whole, and to bring back the House to vote upon the original bill as reported from the Committee of Ways and Means.

Mr. CLAY said that, if that would be its effect, he should not move it at that time.

Mr. CAMBRELENG said that he presumed, of course, that the bill would be committed. He wished to be indulged in a few words of explanation, in reply to the gentleman from Georgia, [Mr. WAYNE,] as to what he had said on the subject of treasury legislation. It was a principal feature in the plan which that gentleman had so warmly advocated, that the duties were to be regulated according to the wants of the treasury, and were to go up one year and down the next, according as the treasury should be empty or full. Now, it would be the Secretary of the Treasury who would have to decide whether these duties were wanting or not, according to his own balance sheet. And he would, of course, issue his instructions accordingly. This was what Mr. C. had meant by the phrase treasury legislation.

The CHAIR reminded the gentleman from New York that the proposition to which his remarks applied was not now before the House. The question now was on the motion of the gentleman from South Carolina [Mr. DRAYTON] to recommit the bill to the Committee of Ways and Means, with the instructions moved by way of amendment, by the gentleman from Ohio, [Mr. IRVIN.]

The question was now put, and decided in the negative.

So Mr. IRVIN's instructions were rejected.

Mr. WICKLIFFE said that to recommit the bill without any instructions, would be inevitable death to all hope of legislation on the tariff by this Congress. Before so grave a question was determined, he wanted a fuller House.

[A great many members were absent in the Senate chamber, where Mr. Clay's bill was under discussion.]

Mr. WAYNE said he was fully satisfied that it would be perfectly useless to send the bill to the Committee of Ways and Means, without instructions. The House would get no nearer to the object it sought, and, in the meanwhile, the conciliatory disposition which seemed now so happily to prevail, might be dissipated. Mr. W. had all confidence in that committee. But past experience had shown that they had been very unfortunate, since they had presented to the House a bill which neither its friends nor its enemies could approve.

Mr. W. concluded by renewing the proposition for instructions which had been withdrawn by Mr. DRAYTON.

Mr. DAVIS, of Massachusetts, said he thought there would be little wisdom in recommitting the bill without instructions. The House had evidently settled during the day a great and embarrassing question without a vote. It was suddenly rendered obvious that a bill which had employed its anxious and laborious attention for five weeks, a bill which had been modelled, remodelled, altered, amended, and most earnestly debated, could not pass. This seemed now as plain as if a majority of votes were recorded against it; and he must confess he was rejoiced to see this evidence of a disposition not to throw overboard a policy which had rendered the country prosperous and happy.

He said, if he did not mistake the course of things, the question now pending was more important than it was esteemed to be in the House. Why should we recommit? What is the object? Is it not to have a bill brought in which will be acceptable to the House? But how can the committee know or understand the sentiments of the House unless they are expressed? Will any one here undertake to say he understands well enough the sentiments of a majority to frame a bill in conformity with them? Is the committee more gifted than the rest of us? Have they the attributes of prescience or of omniscience? If they have, they cast but a little way into the future when they offered us this bill. If the subject goes to them without instructions, this action upon it must be only experimental, and it is more than probable that in the end we should find ourselves just where we now are.

The proposition now is to commit with instructions, and he had hinted that this was not a matter for light, hasty, or inconsiderate decision. If instructions are given, then the committee merely frame a bill according to those instructions: voting, therefore, upon instructions, is much the same as voting upon the final passage of a bill, for members would hardly consider it as indicating a consistent, wise, and manly course, to vote one way upon instructions, and another upon a bill framed in conformity with those instructions. Instructions must be taken to be the judgment, and the deliberate judgment too, of a majority of the House. He therefore entreated all who wished to act understandingly upon this matter, to commit themselves to no instructions which they were not willing should take the form of law. Mr. D. did not concur in the instructions first offered by the gentleman from South Carolina, [Mr. DRAYTON,] and now by the gentleman from Georgia, [Mr. WAYNE.] He never should consent to any project which proposed as an ultimate standard of duties 20 per cent. on all imports. For one, he was very willing his views should be understood. He had expressed his anxious desire for compromise; he had more than once announced his entire willingness to meet gentlemen on fair ground, and to adjust the controversy; he had said he would incur the hazard of great sacrifices to accomplish so desirable an object, and he still was ready and willing to do all this; but there was one thing he never would do until all his views of public policy were changed; he would not vote an abandonment of the right to protect American labor; he would not yield the right to countervail foreign regulations which bear upon and oppress the labor of this country; and if this was expected as a compromise, it would never be yielded, for it was not compromise, but abject, unqualified submission. He said an equalization of duties, or the imposing the same rate of duties on all imports, be it 20 per cent. or any other amount, was an abandonment of the right to discriminate —it was tearing away the very foundations of protection— it was yielding up the feature of the constitution most valuable to the laboring freeman; and whenever such a doctrine was sanctioned here, the labor of this country might consider itself as abandoned by its own Government,

and left to grapple as it may with the legislation of foreign countries; with laws made to oppress them, and to favor their competitors. He would therefore sustain no bill in which the right of regulating foreign trade so as to protect our own labor was denied. If gentlemen carried such a proposition, it would not be by his vote, and he considered any bill which looked to an ultimate equalization of duties tantamount to this.

He considered the theory that duties ought to be equal or of the same amount on all imports, as false and unsound, both in finance and public policy. Yet such a doctrine seemed to have crept into different parts of the House, and to be treated with some respect, though it had not the sanction of the experience of any nation under heaven. The country had arrived at a crisis in its affairs when it was necessary to diminish the revenue, because the public debt was paid. It had been reduced some 10,000,000 dollars, but it was said it must be reduced more; and the doctrine on one side of the House was, that, in adjusting it, we had no right to discriminate, by putting a higher duty on one article of import more than on another, but the duty must all be alike. It was against this doctrine, which was full of evil, that he protested. The avowed object, in passing the present bill, is to reduce the revenue. Now, he said, look at the operation. There is a duty of thirty per cent. or thereabouts, on shoes, boots, leather, hats, cabinet ware, and a vast number of other articles made by our mechanics. From these articles no revenue is derived, because none or next to none are imported. The business is now in the hands of a great body of worthy, industrious citizens, who supply the demand of the country, and furnish the goods much cheaper than we should find them if we depended entirely on foreign supply. If this duty is reduced to twenty per cent., is it for the purpose of reducing the revenue? You cannot reduce nothing: the reduction of the duty is not therefore reducing revenue. But it is an experiment, to see if you cannot introduce the foreign articles, and thus increase the revenue, to the injury of your own labor, and fill the treasury, when you profess to desire to empty it. If gentlemen are desirous in assuming this as a principle, and it produces an effect exactly opposite to what is designed, it ought to be abandoned as absurd.

If a bill is brought in to reduce revenue, he wished some reasonable assurance that if it became a law it would accomplish the purpose for which it was made. The instructions of the gentleman from South Carolina proposed to bring all duties, without discrimination, to twenty per cent., and this, in order to get rid of revenue. He called on the House to understand the matter before they voted upon it. It was an insidious attack upon the mechanics and laborers of the country. If, by running the duties down, you succeed in introducing foreign hats, boots, shoes, hoes, spades, shovels, axes, &c. then your own workmen are displaced from their business; the revenue, which is already too abundant, is increased, and there must be a further reduction of duties to deplete the treasury again; and this course will be pursued until the experiment shifts our workshops to foreign countries. This mode of reducing revenue is false, insidious, treacherous, and better calculated to reduce laborers to poverty than to reduce the revenue; and he protested against it as a theory unsound in finance and unwise in public policy.

He said he should give his support to no bill which reduced the duties to a level of twenty per cent., because that with a foreign valuation would afford no adequate protection; nor would any measure which abandoned the principle of discrimination in levying duties obtain his support, because that would be an abandonment of the principle of protection. He would, therefore, express an earnest hope that the House would look with care to this new theory of equalization of duties, before they give it any countenance, either in finance or as a measure of public policy. Whoever adopts it will find, by abandoning discrimination, he gives up the exercise of his own understanding, yields his country to foreign regulation, and adopts a doctrine that, both in increasing and diminishing revenue by an increase or decrease of duties, will produce a result exactly the opposite of what is designed on many articles subject to duty. He would only add one word: Is any truth more obvious to the minds of all men than that some articles of taxation can and ought to bear a heavier burden than others?

Mr. HUBBARD remarked that, from some observations which fell from the gentleman from Kentucky, he supposed that it was the opinion of that gentleman that if this bill was referred to the Committee of Ways and Means, with instructions, the report of that committee would not necessarily be referred to the Committee of the Whole on the state of the Union. If such were the fact, he certainly should be in favor of sending the bill to the committee with instructions; but he believed that it made no manner of difference in that respect, whether this bill went to the committee with or without instructions. The report of that committee, under the rules of this House, would necessarily have to be referred to the Committee of the Whole on the state of the Union. But he said there was no good reason for committing the bill at all; he should much prefer to have the various amendments which had been adopted in the Committee of the Whole to this bill, read, considered, and disposed of—either adopted or rejected; and after the bill had been gone through, then, if any gentleman could propose some definite measure as a substitute, it would be in order for its consideration. He felt somewhat astonished that any gentleman should offer a resolution for the commitment of this bill with instructions, without having well matured and well considered those instructions in principle and in detail. What possible benefit, he would ask, could result by committing this bill with loose and indefinite instructions? He greatly preferred, if it was to be again committed, that the commitment should be entirely untrammelled with any instructions. The Committee of Ways and Means would have the benefit of the discussions and the debates which have taken place upon the bill which emanated from them. They would have the benefit of the propositions which have been submitted in committee and out of committee; and they would undoubtedly be profited by those suggestions in their further deliberation upon the subject. But he was entirely opposed, at this time, and in this House, now to settle on the specific instruction to be given to the Committee of Ways and Means. He was aware that there would be left no time for action; that so much time would be unavoidably occupied in fixing upon the character of the instructions, that it would be impossible for this House to have sufficient time left for the necessary action upon the bill which might be prepared by the committee, to have it reach the Senate in season to be considered in that branch of the Government. He, for one, believed that the vote of the House yesterday, upon the motion of the gentleman from Massachusetts to lay this bill on the table, gave the fullest evidence that there was a decided majority in favor of a proper modification of the tariff at the present session of Congress. He most sincerely desired to have this disturbing question put at rest, and that at the present time. Under all circumstances, he should vote against committing the bill with any instructions; and as it seemed to be the wish of his friends to send it again to the Committee of Ways and Means, in the belief that they could report a bill which would better accord with the public expectation and popular feeling, he would not oppose such a reference, if the whole subject can go to the committee unembarrassed with instructions.

Mr. ISACKS said he regretted that the gentleman from

Georgia [Mr. WAYNE] had renewed the motion for instructing the committee. He should vote against it. And he should do so from the desire that the House might have one argument instead of having two. They were the clearest indications, as well from the various amendments which had been proposed, as from the remarks with which they had been accompanied, that the House was likely to spend quite as much time in discussing what the instructions should be, as they had in discussing the bill; and even more: because the previous question could not be put, without removing the instructions altogether. And thus they were likely to spend what little space of time remained, after learning who was to be President, and deciding who was to be printer, without coming to any conclusion. He was for leaving the committee untrammelled. Let them give the House a bill, and then it would have but one argument, instead of two, and thereby save just one-half the time.

Mr. WILDE congratulated the House, and himself, on the very sudden change which had recently taken place. On Saturday, the members of the Committee of Ways and Means had been invited to bring forward some proposition of compromise, but had given no response to the call: not from any reluctance in presenting their views, nor from any want of courtesy, but for a very obvious reason, viz. the intrinsic difficulty of the subject itself. Last year the House had had a project from the Secretary of the Treasury, and then a report from the Committee of Ways and Means. These had met with no favor. Next came a report from the Committee on Manufactures, which was so modified as at length to be not satisfactory even to the gentleman himself, who had reported it. At the present session, the bill had been reported from the Committee of Ways and Means, which seemed to be much disapproved of, and was likely to be more so before the session was over. Now there was a proposition to recommit, and, thereupon, a flood of different projects, in the form of instructions, none of which, as yet, seemed to be satisfactory to the House. He hoped, however, that one of them would be adopted. It should certainly receive his most zealous support. What was to be done? Proceeding in this manner did but waste time. It certainly would not be agreeable to him, nor, as he presumed, to his colleagues on the committee, to be bound to seek out among all the speeches, and arguments, and propositions of gentlemen, what were the actual sentiments and wishes of the House. It was plainly impossible for the committee to ascertain what the bill of the House was; and that for a very good reason, viz. that the House did not seem exactly to know what its own mind was. A committee who could discover, from such a scene as was now exhibited, what this House desired them to do, must possess powers far more extraordinary than any to which he or his colleague laid claim.

But as to the bill as amended, and as it stood at that moment, with all its modifications, Mr. W. did not know that he could devise a bill more honestly intended, or that would more certainly effect the reduction of the revenue, and the peace and harmony of the whole country. He earnestly hoped that, by mutual sacrifices of prejudices on both sides, the House would that day be able to come to some satisfactory conclusion.

Mr. E. EVERETT inquired of the Chair whether the recommitment of the bill, without instructions, would not completely, and at once, undo all that had been done by the Committee of the Whole.

The CHAIR replied, certainly it would.

Mr. E. said he could then readily conceive that the gentleman from Georgia [Mr. WILDE] would heartily approve of such a proposition. It got rid, by a very summary process, of all the amendments which had been made to his bill; and returning it to the committee in its naked shape, they could so model it as to render it more acceptable, and give it a greater prospect of passing. There was no difficulty of comprehending this.

Mr. HUNTINGTON said that this House had got itself into a very singular predicament. They seemed unanimously to have agreed that the bill from the Committee of Ways and Means was not such as any body could approve. And it was now proposed to send again to the same committee to make another bill, that the House might go over the same ground again. And even admitting that the instructions now proposed should be adopted, they would be no nearer the object they sought; for if a bill should be reported, as proposed, it would be just as liable to opposition and amendment as that which the committee had reported before. Mr. H., for one, should certainly oppose it stoutly. And so, if any other of the plans of instruction should be adopted, they would still be in the same situation. He entirely agreed with his friend from Massachusetts, in being very happy that the House had not taken the bill. But where would be the use of recommitting it without instructions? It would be utterly impossible for the Committee of Ways and Means, or indeed any body else, to discover what was the will of the House at that moment. He hoped that the motion to recommit with instructions would not prevail.

Mr. WAYNE observed that the speech of the gentleman from Massachusetts [Mr. DAVIS] seemed to have created a very general impression that if gentlemen voted to commit the bill with instructions, they would be committed to sustain the bill, if reported accordingly. Such was not the fact. The proposition of the gentleman from South Carolina, for instance, differed from all others in this, that the duties on non-protected articles were to rise or fall according to the state of the revenue. Now, could not a gentleman vote for the proposition as a whole, without committing himself to sustain that particular feature? Certainly he could. He might vote for it on the general principle that manufactures were to be protected for seven years to come, and that then the revenue was to be reduced to the wants of the Government. By recommitting the bill without instructions, time would be lost—and time was now all-important—because the committee would have to inquire, and spend much time in ascertaining what the will of the House was. It had been urged that if the committee reported a bill, it would have to go to a Committee of the Whole, where the previous question could not be called. This was very true; but what better off were gentlemen now, with numerous and conflicting amendments before them, on which the previous question could not be called, without bringing them back to the original bill?

To recommit with instructions was no novel proceeding, and the instructions proposed contained more, much more, than gentlemen were aware of. It had been offered by the South in good faith, with an honest endeavor to conciliate, and with the earnest hope that its adoption would allay the public discontents. To adopt the bill now before the House, though it might give contentment to one quarter of the Union, would raise rebellion in another, and excite at the North a feeling little short, in violence, of that which now existed at the South. It was in the hope of bringing the House to a measure of effectual conciliation that Mr. W. was thus earnest. Was not the proposal now offered better than the bill from the Committee of Ways and Means? Would it not give the manufacturers protection and peace for seven years to come? Was it not to be preferred to doing nothing? Was it not better than letting the present discontent fester for nine months longer, and be yet further aggravated by the excitement of a presidential election? It was his earnest desire that the House might return here the next session with this vexing question so effectually settled, that no political aspirant should be able to vault into power by a successful settlement of it. But if things should be suf-

fered to remain as they were, the protective system would be in imminent danger. Its danger would increase every day; and it would probably fall—and fall, not to the advantage of the South, but to the agitation and discontent of the whole country.

Mr. WICKLIFFE said he was happy to perceive that nothing was to be done that night. To-morrow, he believed, was the day appointed for counting the votes for President and Vice President. He would therefore move that the consideration of the subject be postponed till the day after.

The SPEAKER said the subject must of course lie over.

The House then adjourned.

WEDNESDAY, FEBRUARY 13.

BANK OF THE UNITED STATES.

Mr. POLK, from the Committee of Ways and Means, reported the following bill:

AN ACT authorizing the sale of the Bank Stock of the United States.

SEC. 1. *Be it enacted*, &c. That the Secretary of the Treasury be, and he is hereby, authorized to sell the shares owned by the United States in the Bank of the United States, on such terms as he may deem most for the interest of the United States: *Provided*, That no stock be sold for less than the market value thereof, or for less than the par value.

SEC. 2. *Be it further enacted*, That it shall be lawful for the Bank of the United States to purchase said stock, or any part thereof; any thing in any act to the contrary notwithstanding.

The bill having been read, and the question of course being on ordering it to a second reading,

Mr. WICKLIFFE, of Kentucky, objected, (which at this stage is equivalent to a motion for rejection;) and the question being then stated in the form required by the rule, "Shall this bill be rejected?"

Mr. WICKLIFFE rose, and said he was impelled, by a sense of his duty to his constituents and to his country, to do, in this case, what he had never done since he had had a seat on this floor—to move the rejection of a bill at its first reading. There are cases, said Mr. W., in which courtesy should yield to the demands of justice and public duty; and this, in my humble judgment, is one of them. I do believe that the passage of this bill is not demanded by any public consideration. It is fraught with incalculable ruin to all private interest, except the interest of the stockjobbers of Wall street. I will say nothing of the interest which political stockjobbers may feel in the measure now before you. This measure will inflict injury, perhaps ruin, upon many of your honest, and I might say, in reference to the interest which they have in this institution, unprotected citizens. Its immediate effect would be to reduce thirty-five millions of the stock of the country, performing, in a great measure, the functions of a circulating medium in our commercial exchanges, ten per centum in its value. Possibly I may over-estimate the loss; but I think not. This time last year this stock commanded, in the markets of the world, from twenty to twenty-five per centum advance. The ruinous policy which the administration of the country has pursued towards this institution, has sunk the value of this capital twenty per cent., equal to seven millions. The United States has sustained a loss in the value of the stock held by the Government, equal to one million four hundred thousand dollars, and yet the Committee of Ways and Means propose a measure by which the Government will inevitably sustain a further loss of more than one million. For what reason? And why is this mad policy, sir, I might be allowed to say, this wicked measure, proposed? I have heard none, nor can I discover any, save that the President of the United States has recommended it.

Is it wise to sell, at a sacrifice, stock yielding an interest of six per centum to the Government, that money may lie idle in the treasury? Is not our treasury, at this time, said to be overflowing? Has not the administration told us that the present tariff will yield us at least six millions of money more than is needed for all the wants of the Government? We have been for weeks, sir, endeavoring to devise some plan, some revenue system, which shall prevent this dangerous accumulation of money in the treasury. The very existence of the Union is said to be in danger if we do not adopt some such system, and still we are now required by the administration to adopt this measure, which is to add to a redundant treasury seven millions more. What do the administration design to do with this seven millions when it shall reach the treasury? Is it needed to pay the public debt? No, sir. Is it required to meet the ordinary or extraordinary expenditures of the Government? Not at all. Why, then, I demand to know of the honorable gentleman who has reported this bill, are we called upon to adopt or to consider this measure?

Will the honorable gentleman, or any man, venture to state, on this floor, that the stock in this bank is not good? Will he venture the opinion upon the country, after the full and satisfactory evidence which has been afforded him, that this institution is not solvent, perfectly solvent? Sir, I will answer the question for him—he will disclaim any such opinion. The bill itself, Mr. Speaker, has enabled me to answer the question for the whole Committee of Ways and Means. The stock is to be sold at its market price or at par, by the terms of the bill. I take it, then, as an admitted fact upon the record, that, in the opinion of the committee, this stock is worth par; for I will not impute to the committee so unworthy a design as an attempt to impose upon the country stock at par which they believed not to be worth par value.

But, sir, there is an ambiguity in the expression, to be sold at its market price, or at par, which I am not able to explain. Should the market price of this stock fall, as I believe it will if you pass this bill, below par—should it fall to ninety-five—will not the Executive be authorized to sell at ninety-five? He is to sell at par value, or the market price. If he cannot get par, will he not take the market price? If this should be the construction of the bill, and I can place upon it no other, it will present a most glorious harvest for the speculator in stocks. Your market price of stocks would soon be run down. Shall we bring into market seven millions of the people's money, admitted to be good, in order to have it depreciated and run down, that speculators may thrive?

Does the honorable member who reported this bill feel himself authorized to state to this House that the Committee of Ways and Means believe this Government stock unsafe in that institution? I will venture to answer this question for him in the negative. They have no such opinion. The evidence before them repudiates such an opinion. The insinuation of such an opinion belongs to the partisan presses of the times. If then the stock is safe, if the Government do not need the funds, if a sale be made, the United States must sustain a loss, and private injury be inflicted upon our own citizens. Why, I ask, why this bill to sell the stock? I shall be answered, because the President has recommended it. In this instance I have the misfortune to differ with the President, and must beg leave to decline an acquiescence in this his recommendation, until some better reason be furnished.

Sir, we present to the world a most extraordinary spectacle. We—no, sir, the administration—have been striving for months to convince the public that the Bank of the United States is insolvent; that its currency was sinking, or likely to sink, in value; that it was unsafe; and under this declaration they propose to come into market with seven millions of this stock, which they have proclaimed to be

in a doubtful condition, and propose to sell it at par. Sir, this would scarcely be considered honest in a private individual: how it ought to be estimated when done by a Government, I will leave others to determine. The whole course which has of late been pursued towards that institution by the administration, has not its parallel in the modern history of any civilized Government.

In the Congress of the United States is vested the exclusive power of coining money and regulating the value thereof, to regulate commerce, and also authority to carry into effect these and other delegated powers. Under some one or all of these powers, Congress heretofore created a bank, in order to furnish the community with a safe, sound, and uniform currency. Such this bank did furnish, all admit. And when the currency was at its greatest possible value, enjoying, as it deserved, the confidence of the whole people, we see the whole power and influence of an administration, headed by perhaps the most popular man in this our day, exerted for the purpose—perhaps I should say, to the effect of depreciating the value of that currency, at a time when seventeen millions of it is in the hands of a confiding community. What would be the consequences of such a policy to a ministry in another country, where liberty is not more valued than here, I cannot say. A British Parliament would not dare to second or sustain it.

Sir, I will suppose, for the sake of the argument, what I do not believe, and what those who have asserted in the public prints do not themselves believe, that this institution, from the corrupt and bad management of its direc; tory, is in danger of becoming bankrupt. The General Government is the joint stockholder, has had a share in the management of this governmental agent. The notes of this institution are in the hands of our citizens to the amount of seventeen millions. Our citizens are its debtors to the amount of sixty millions; a portion of them, including widows and orphans, owning twenty millions of its capital. What does morality, what does justice, what does public faith require at our hands? That we should exert all the power which a prudent and just regard to the administration of the finances of the country would permit, to avert the wide-spread ruin which the failure of such an institution must produce.

The bank, however, sir, does not ask this. She does not thus need the aid of this Government. All that she desires at your hands is justice, is to be let alone, to be permitted to enjoy the privileges guarantied in her charter, for which you have received an ample equivalent. I, sir, demand this of you, not for the sake of the bank or her stockholders, but I demand it in the name of my constituents. Let your stock remain, and share the common fate of that of your citizens, who have made investments upon the plighted faith of their Government. Whilst the Government continued to own stock, and to appoint, on its part, honest and competent men as directors, who looked to the interest of the Government, the bank, and the community, in the discharge of their duty, your citizens felt as if their stock was safe, and the currency of the bank was sound. They still feel so, notwithstanding the departure from that course which previous administrations had pursued towards the bank.

The United States still have a controlling influence over that institution. Your President appoints one-fifth of its directory. Your Secretary is furnished weekly with statements of the condition of the bank. Congress has power to appoint a committee to examine into the books, accounts, and dealings of the bank. All these furnish guaranties to the country. But, sir, if you sell the Government stock, dismiss your directors, and withdraw the supervisory power of the treasury and of this House, you may put it in the power of a corrupt directory of that bank, should such a one be found, to swindle the community out of millions in closing the con erns of that institution. No, sir: the Government should retain its stock, its supervisory power, and see that the bank, if it must close its operations in 1836, closes them honestly and fairly; first paying its debts, and then dividing in due and equal proportion the stock to the whole stockholders.

Sir, I well remember, in 1827, when the stock in this bank was worth twenty-five per cent. advance, a distinguished gentleman from Virginia, (Mr. P. P. Barbour,) then a member of Congress, submitted a resolution of inquiry, merely, into the expediency and propriety of selling the seven millions of stock held by the Government in the Bank of the United States. At that time, sir, we had a pressing demand for revenue to meet the payments of the public debt, falling due more rapidly than our means enabled us to meet. He proposed it as a financial measure. I remember, also, sir, the instantaneous effect the proposition had upon the value of the stock. The resolution met favor nowhere, though honestly and fairly designed by the mover as a measure of finance. It was voted down in this House by an almost unanimous voice, only nine members voting for the proposition.

If sound policy and good faith forbade the passage of such a resolution, and sale of the stock in 1827, the same policy and good faith demand the instant rejection of this wicked bill, for I can call it by no milder name.

We have now no public debt for which this money is needed. We have an overflowing treasury, into which the revenue is pouring faster than we can find uses for it, and still the administration and the Committee of Ways and Means desire that we shall sacrifice our stock, inflict individual ruin, excite anew the alarm which false clamor for a time put in motion, that seven millions more of surplus shall accumulate in the treasury, to lie dormant, or be squandered by inconsiderate legislation. All this is to be done, for what? For public good? No, sir. For the benefit of individual speculation. Away with such a project—strike from existence at once such a bill.

Sir, said Mr. W., I am not taken by surprise by the presentation of this bill. I have anticipated it for many weeks. I have watched events in another quarter, and have not mistaken the signs of the times. This measure is to be followed up with another, part and parcel of the same predetermination before we met here. The Government deposites are to be withdrawn. They are wanted elsewhere! State banks are to be enlisted as soldiers in the next campaign. The Government deposites are wanted to pay the bounty.

The solicitude I have felt upon this subject, and the feeble efforts I have made to prevent these measures of the administration, have not arisen from any personal considerations. To me, sir, the stockholders in the bank are unknown. I have received no favors, and desire none, of the institution; but my constituents and my country have a deep interest at stake.

The entire West at this time is witnessing the blessed effects resulting from the efforts of this administration to cripple and embarrass the operations of the Bank of the United States. The course pursued by the Government has compelled the bank to press heavily upon its debtors in that quarter. We have a country rich in soil and productions, not much surplus capital, a population industrious and enterprising, able to meet their engagements; but, if pressed, we must expect a fall in the value of our real estate, and the productions of our labor. Is it then just, is it wise, to pursue a policy toward the Bank of the United States, which must compel it still more rapidly to withdraw its circulation? If the bank is let alone, we shall weather the storm in safety, without a resort to the ruinous policy of 1819, '20. I am prompted in my opposition to this measure by on principle no blind opposition to the measures of this administration, be they right or wrong. Such a principle has never regulated my action in this House, and I trust never will.

The Government deposites are to be withdrawn, sir, and where will you place them? In the State banks, I am told—yes, sir, in your State banks. And what is the condition of State banks? Who can answer for their solvency? Withdraw the Bank of the United States, and what restraint is there to excessive, and in some cases fraudulent issues of State bank paper? We have had, in former years, some lessons of woful experience upon the use of these miserable rag shops, for I can call them nothing else, as places of deposite for the public revenue. I have a list of such as broke with your deposites, by which the United States sustained a loss of 1,400,000 dollars. Sir, I will not take up the time of the House in reading this list; I will cause it to be appended to my remarks, which, to use the phrase of a former worthy member of North Carolina, is made "more for Buncombe" than for this House. Sir, I wish my constituents to understand where this administration design to put their money for safe keeping. This loss, sir, was sustained in the course of one or two years' experiment with these State banks. The United States Bank for sixteen years has been the place of your Government deposites. It has been the agent by which you have collected and disbursed $440,000,000 without the loss of the forty-eighth part of a cent to the Government. Do you expect to find a better agent? No, sir.

Sir, I should like to be informed by the honorable gentleman from Tennessee, [Mr. Polk,] the organ of the Committee of Ways and Means on this occasion, whether that committee have investigated the true condition of the Bank of the United States, whose situation was such, in the opinion of the Executive, at the opening of the present session, as to render it doubtful whether it could be regarded as a safe deposite of the public revenue. Whether he is prepared to echo the sentiment expressed in the Executive message upon this subject.

I will venture the statement, sir, that that committee has had before it the evidence which will satisfy all impartial and candid minds of the perfect solvency and ability of the institution. Sir, there never was a period since the bank was established, when its means were more ample in proportion to its debts, than they are at the present moment. And every day's operation increases and invigorates its strength and its ability. All the efforts made to cripple the institution heretofore, have failed, and the injury aimed at the bank has fallen upon the community. And such will continue to be the effect of all such unjustifiable acts on the part of the Government. I will, sir, with the permission of the House, refer to a part of the evidence in the possession of the Committee of Ways and Means upon this subject. It is a statement of the condition of the bank on the 1st January, 1833.

The claims against the bank are:	
1st. Notes in circulation	$17,459,571 79
2d. Deposites, public and private	13,547,517 95
3d. The debt to the holders of the funded debt	6,723,703 16
4th. Unclaimed dividends	76,529 84
Amounting to	$37,807,322 74
Its resources are:	
Specie	$8,951,847 60
Notes of State banks	2,291,655 04
Balances due by State banks	1,596,252 08
Funds in Europe and foreign bills of exchange	3,190,225 43
Real estate	3,036,241 52
Debts due by individuals, viz.	
On notes discounted	43,626,870 32
On domestic bills of exchange	18,069,043 25
Mortgages, &c.	103,333 75
Making	$80,865,468 99

From which sum of $80,865,468 99 deduct the sum due by the bank, ($37,807,322 74,) and there remains an excess of $43,058,146 25.

This sum of forty-three millions forms a guaranty to the holders of the notes of the bank, and to its depositors, over and above the whole amount of their claims.

Mr. Speaker, is it not idle, sir, is it not worse than idle, is it not wicked, longer to continue this warfare upon the bank and its currency? I will not take up the time of the House by entering into a comparative statement of the ability of the Bank of the United States and any of the local banks. I have the materials of such a comparison before me, and I am warranted in saying there does not exist a bank in the United States possessing greater means, I will say as great, in proportion to its capital, to meet its engagements, as the Bank of the United States.

After the short debate in this House at the commencement of the session, upon the incipient measures which have led to the report of this bill, in which debate I took an humble part, a friend of mine, a personal friend, as if anxious to convince me that it was in vain, by any effort on the part of Congress, to save the Bank of the United States, remarked that it was in vain to struggle, for the President intends to crush the bank, and he will do it. Sir, the declaration made a deep impression upon my mind. It caused a reflection upon the statesmanlike contest carried on by a President of the United States against the currency of the Government in the hands of the people. This man, though he did not speak by authority, or as one having authority, I would sooner take his opinions of what the President willed or intended, than the opinions of any man or set of men.

Though I have regretted to believe there was such a settled purpose on the part of the administration, it has not abated my anxiety to defeat it by all fair means, nor shall any responsibility prevent me from exposing to my constituents the evil and ruinous consequences of such a course. As one step toward arresting the evil, or at least of putting off the evil day, I have moved you, sir, to reject this bill, and I desire the yeas and nays upon the motion.

Statement referred to in the report of the Secretary of the Treasury, dated 4th of December, 1832, made in compliance with a resolution of the Senate of the 14th July, 1832, showing the amount of losses sustained by the United States, by using local banks as places of deposite.

BANKS INDEBTED.	AMOUNT.
Elkton Bank of Maryland,	9,865 25
Alexandria Society, Granville,	2,463 00
Western Bank of Virginia, Parkersburg,	198 00
German Bank of Wooster,	39,552 97
Farmers and Mechanics' Bank, Greencastle,	595 00
Virginia Saline Bank,	10,121 00
Merchants' Bank, Alexandria,	3,217 00
Juniatta Bank, Pennsylvania,	3,200 00
Huntington Bank, Pennsylvania,	2,380 00
Lebanon Miami Banking Company,	9,575 00
Bank of Washington, Pennsylvania,	7,508 34
Cumberland Bank of Alleghany,	1,176 61
Farmers and Mechanics' Bank, Pittsburg,	1,311 00
Urbanna Banking Company,	2,839 00
Bedford Bank, Pennsylvania,	4,059 57
Farmers' Bank of Canton,	6,598 06
Union Bank of Pennsylvania,	9,758 00
Kentucky Insurance Company,	797 00
Marietta and Susquehanna Trading Company,	1,360 00
Somerset Bank,	69,077 87
Farmers and Mechanics' Bank, Chillicothe,	23,905 00
Centre Bank of Pennsylvania,	8,938 00
Bank of Cincinnati,	3,846 00

Miami Exporting Company,	8,791 00
Farmers and Mechanics' Bank of Cincinnati,	39,966 01
Bank of Vincennes,	168,453 27
Bank of Edwardsville,	46,800 00
Planters' Bank of Huntsville,	11,223 53
Franklin Bank of Alexandria,	48,000 00
Bank of Missouri,	159,163 87
Bank of Illinois, at Shawneetown,	28,367 85
Bank of Steubenville, Ohio,	170,000 00
Farmers and Mechanics' Bank, Indiana,	43,592 90
Bank of Tombeckbee,	138,754 69
Bank of Nashville,	6,267 29
Bank of Columbia,	278,361 87
Bath Bank of Maine,	20,623 05
Total,	1,390,707 00

Mr. POLK expressed his surprise that opposition was made to the bill at this stage. It was most unexpected to him. He had expected it to take the usual course, and he had intended, at the proper time, to move its commitment to the Committee of the Whole on the state of the Union, where the fullest opportunity for discussion would be afforded. The gentleman from Kentucky, [Mr. WICKLIFFE,] in his fresh zeal for the bank, manifested upon more than one occasion during the session, had, however, chosen, as he said, to meet it at the threshold, and move its rejection. The gentleman from Kentucky says he had anticipated this proposition; that he had expected such a bill to be reported. He need not have so informed us; for he seems to have come to his seat this morning prepared with notes and documents to make a set speech upon the subject. [Mr. WICKLIFFE, in an under tone: Not at all, sir.] Mr. P. continued. The gentleman refers to documents and papers; but he did not, he said, complain of the gentleman's opposition to the bill, whether made by a prepared speech or not. What he said, was, that that opposition was unusual upon the first reading of a bill; and if the House was now forced to a decision, that opportunity for deliberation would not be afforded which was necessary to enable it to form a proper judgment upon the subject-matter itself. The gentleman had pronounced a eulogy upon the bank, and was pleased to add that the country had confidence in its solvency and its good management. This was not the time to consider whether that confidence was misplaced or not. It had no necessary connexion with a proposition to sell the Government stock. This bill authorized the Secretary of the Treasury to sell the stock upon such terms as he shall deem most for the interest of the Government. It was an isolated proposition. It proposed to disenthral the Government from a partnership with its citizens in this incorporated company. It proposed to get rid of the interest which the Government had in this moneyed monopoly. It proposed to do this by a sale of the Government stock, upon terms not below the market value, or the par value. The gentleman did not seem to have examined the provisions of this bill, or, if he had, he had not understood them. The gentleman will not, he says, call this a wicked proposition, but there was scarcely any other term too harsh, in his judgment, to be applied to it. What, sir, for the owner of property to offer to sell it! Was the Government bound to continue the partnership as long as the bank or its friends chose to consider that it was for the interest of that institution that it should be continued? But the gentleman tells us that his remarks are intended principally "for Buncombe;" that his speech is for his constituents. He charges that the course of the administration towards the bank has oppressed the Western country, by compelling the institution to call in its loans, and withhold its accommodations. How had the administration done this? The gentleman has not chosen to inform us. Was it by requiring that the public money deposited by the Government in the bank should be applied to the payment of the public debt? Had the bank found it necessary to use the public funds to sustain its credit? Had it found it necessary to extend its loans to effect its own purposes? And did the gentleman complain that the Government had called for its own money when it wanted to pay the public debt? Or had the bank expected the Government to postpone the payment of the public debt for its benefit? Could the gentleman inform us? In what other way had the course of the administration compelled the bank to oppress the gentleman's constituents? The gentleman seems to have seized this occasion to express his opinion of the sound state of the bank. He hoped it might be so, but he confessed that nothing which had fallen from the gentleman had given him any light upon that point. This was not the time or the occasion to go into that inquiry. His statistics, too, in relation to the losses heretofore sustained by the treasury in consequence of the failure of local banks, which, Mr. P. said, he supposed were also intended for the benefit "of Buncombe," had nothing to do with the question now before the House. But the gentleman had also been pleased to say that he had been informed by some one—no one knows who—out of this House, at an early period of the present session, that all his efforts to sustain the bank would be fruitless, for the administration had willed its destruction; and, he added, that this bill was but another step towards the consummation of that determination. Sir, said Mr. P., I deny that the administration has willed any such thing. It was time that the Government had demanded its own money, in the hands of the bank, when it wished it to pay the public creditors; and it was also true that the Executive had recommended the sale of all stocks held by the Government, not only in this, but in all other incorporated companies. The foundation and stability of the bank must indeed be frail, if its destruction is to be produced by the mere transfer or sale of the Government stock. This was an admission which came with a bad grace from those who boasted of the safety and solvency of the institution. Was the gentleman prepared to concede that it was necessary for the Government to remain a part owner of the stock of the bank in order to sustain its credit? But, said Mr. P., under the impression that the bill would be permitted to take the usual course, he should not then trouble the House with the reasons which had induced the Committee of Ways and Means to report it. At the proper time he would do so. He thought the gentleman himself would see the propriety of permitting it to take that course.

Mr. INGERSOLL, of Connecticut, said it was no doubt an unusual course, as had been just intimated by the gentleman from Tennessee, [Mr. POLK,] to reject a bill on its introduction, without permitting it to take the usual reference. But he considered the present question as justifying that course, if any could, and was therefore glad that the motion of the gentleman from Kentucky [Mr. WICKLIFFE] had been thus promptly made. He would treat every proposition, coming from a committee of this House, with all the respect due to it, especially any one proceeding, as this did, from the committee (Ways and Means) to which he himself belonged; but he could not consider a motion to reject, under existing circumstances, as at all disrespectful to those who reported the bill. The agitation of seven millions of stock was a matter not of ordinary occurrence, or of light consequence—it reached interests altogether more delicate and important than the connexion of the Government with the bank. It affected the great class of private stockholders, most of whom had purchased into the institution at high prices, and whose property was most seriously affected by every movement like this, made within these walls. It was this class of the community who were con-

stantly preyed upon by the gamblers and stockjobbers, who watch every movement here, and, by artful misrepresentations of our proceedings, or those of our committees, create a panic in the money market whenever it suits their interests to fleece the simple ones. Every thing we do in this matter is felt instantly in the great market of New York, and made the occasion of the most disgraceful operations. There is a chain of these speculators reaching from the lobbies of this hall to Wall street, as well connected as the chain of counterfeiters from Canada to the Atlantic cities. These men let no opportunity pass unimproved, to operate on the timid and retired shareholders in the Bank of the United States; and the shareholders of this description, comprising the trustees of unsettled estates, orphan children, and other persons out of the active scenes of life, now constitute a large portion of the present stockholders, for the knowing ones have long since cleared out, and generally at handsome profits from their first investments, leaving the helpless and the unprotected to take the chances of the wreck. Under these circumstances, we owe it to ourselves, we owe it to the country, to decide this question at once; whatever we do, will be best done, if done quickly. The majority of the committee who reported this bill, he was aware, did not wish to encourage the speculations to which he had referred; he therefore felt authorized to call on them even to unite with him in bringing this question to a speedy decision, whichever way it might go. If the House should think it good policy to part with the interests of the Government in the bank, let us say so at once, and if otherwise, then the sooner that determination is known, the better will it be for the country.

This bill proposes to throw seven millions of bank stock into the general market, at prices not less than par, the immediate effect of which is to bring at once the price of all the shares of individuals down to the same level; and probably when it is seen that the Government shows a disposition to dissolve its connexion with the bank, the fall will not stop there: you will drive it down, in all probability, far below the par value; in this way not only knocking down the property of others, but, by the same blow, defeating the very object which you profess, of selling out your own seven millions at the estimate fixed by the bill. The present selling prices are about three per cent. advance. The introduction of this bill necessarily diminishes the prices to that extent; for no one would be so simple as to buy at an advance to individuals, when your Secretary of the Treasury stands ready to sell his seven millions at a lower sum. Sir, have not the proprietors in this institution been yet punished enough? One year ago, their stock stood at about 25 per cent. advance. You have already driven them down at a loss of more than 20 per cent., and will you now insist on making them feel your power still further? And why are we asked to do this? We are told that we have high authority for this course, that it has the sanction of the officer at the head of the treasury. But he [Mr. I.] had seen no recommendation from that officer sanctioning the principles of this bill. When he spoke of the recommendations of the Secretary, he alluded, of course, to his reports, to the languageo fficial: for he [Mr. I.] knew nothing, in those matters, of the language confidential.

This project was first brought to the notice of Congress by the Secretary in his annual report at the last session. But he did not recommend such a measure as this; on the contrary, he "respectfully recommended to Congress to authorize the sale of those shares (the bank shares) for a sum not less than eight millions of dollars," to enable him to pay off a portion of the public debt. Mark the limit: a sum "not less than eight millions of dollars." And what are we now asked to do? This bill proposes to sell out our interest at a sum not less than seven millions, thus throwing away one million, or making that difference at least between the Secretary's recommendation just quoted, and the recommendation of the majority of the Committee of Ways and Means. More than this: the Secretary did not recommend carrying this stock into the public market; for he was aware, and so expressed it, that such a measure must prove abortive, when attempted under circumstances calculated to shake the public confidence in the solvency of the institution, or its safety as a place of deposite. He only recommended a sale to the bank itself. Let me read from the Secretary's report again; you shall have his very language. Here it is: "A sale of so large an amount in the public market could not be expected to produce more than the par value; and, if attempted under circumstances calculated to shake public confidence in the stability of the institution, would in all probability prove abortive. For these reasons, it is deemed advisable to effect a sale to the bank itself—a measure believed to be practicable, on terms satisfactory both to the United States and that institution." This measure, therefore, ought not, and could not be chargeable to the Secretary; for there was nothing in his official report to warrant it.

Why then is it pressed upon us, when you see that the recorded opinions of the Secretary himself show you that it must, under existing circumstances, prove "abortive," and can only lead to wild speculations while this bill is hanging here? You have no public debt yet due, so that the money, if you could realize it from your bank shares, must remain idle in the treasury till the year 1834 and '35, when portions of the debt will be payable. You have been legislating all winter to keep a surplus out of the treasury: and will you now turn short about, and try to legislate a surplus into it? Will you make the very mischief which has been over and over again denounced as the worst of all political evils—a surplus in the treasury? or have gentlemen become at last convinced that their fancied surplus is, after all, nothing but fog?

There is another view in which he would present this question to the House as a financial measure. This stock now yields us $490,000 a year, an interest of 7 per cent. on the original investment. As you have no present use for the principal, you throw away this four hundred and ninety thousand dollars, the income of the current year, besides sinking three per cent. on the value of the principal sum, which would be $210,000 more, thus making in the whole a round loss to the treasury of seven hundred thousand dollars over and above what you have lost by depreciating the stock, since the Secretary valued it at eight millions one year ago. Mr. I. said there was something, he must say, undeserved and unkind in these repeated attacks on the bank. Sir, are you aware that the greatest losses this institution has ever met with have proceeded from their assuming the debts due from the local banks (formerly used as places of deposite) to the Government, at the time the institution went into operation? Such, he believed, was the fact. It was, he believed, capable of the clearest proof, that the Bank of the United States lost at least two millions of dollars, by assuming to the Government these doubtful debts. But for this, your "unavailable funds," now amounting to $1,400,000, would probably have been three or four millions. An institution that had rendered such services to the treasury in the days of its distress, ought not now to be harassed in this needless manner. Let it at least have a quiet and an easy death. He, for one, would not be instrumental in adding to, or prolonging its pangs, and he hoped a majority of the House would be of the same opinion.

Mr. WATMOUGH, of Pennsylvania, expressed his sincere regret at the necessity which compelled him, even for a very few moments, to intrude himself upon the notice of the House. But, said Mr. W., to remain silent on an occasion so important as the present—to withhold the expression, either of my opinion on the bill

now proposed to us, or of my indignation against the unceasing, unflinching persecution which its presence here informs us is still to be waged against this great national institution, would be both disgraceful and derogatory to the sacred trust I am sent here to fulfil.

I confess myself quite at a loss to say which feeling predominates at this moment in my breast; amazement at the utter absence of sound financial views on the face of this bill, or detestation of the unrelenting spirit on the part of the administration, by means of its advocates on this floor, against an institution, admitted by the wisest and best men of the times to be as absolutely essential to the existence and safety of this Union, as, I had almost said, the constitution itself, which forms its basis. Sir, I have said I was amazed that such a bill, at such a crisis, could emanate from any committee of this House. That amazement, however, is wonderfully diminished when I recall to my mind the source from whence it does come. It is reported, sir, from the Committee of Ways and Means, and comes into this House under the parental care and peculiar auspices of the honorable gentleman from Tennessee. Need I say more? It is a scion of the same stock from whence sprung the famous submission bill, as it has been indignantly called, from one end of the country to the other. A bill, sir, allow me to say, which will go far to immortalize all who have had a hand in its concoction, which, after a most severe and painful travail through this House, during which it has suffered all the severity of anatomical dissection, has at length been permitted to drop, as it were, lifeless to the ground, and been buried under the mass of its own dissevered parts, or so changed as no longer to be recognised by its illustrious founders. A bill whose title in the first instance should have been amended so as to read—to enable the mighty British empire to maintain free of all cost its mass of miserable paupers, to the utter ruin of the free and intelligent yeomen of these United States. When I reflect on all this, sir, I can no longer be amazed at any thing coming from that source.

But, sir, what shall we say of the conduct of the administration in reference to this vast and important interest? How shall we extenuate that? Upon what plea can that be excused? Is it, sir, that the action of this institution is hostile to the welfare and happiness of the citizen, or injurious in its operations to the great commercial, manufacturing, agricultural, or planting interests of the nation? No one will ever pretend that such is the case. Is it that the mighty minds of those who now govern the destinies of this fair empire, are disturbed by the constitutional question, which once rang through this hall and divided the nation? No, sir, not so; for they repose with complacency on this ground, and confess it is placed beyond a doubt. What then can induce them, at a crisis so momentous as the present, when it is confessed on all hands that this Union is being shaken to its very centre—when the minds of all men are filled with the gloomiest forebodings of the future, and no one knows how soon the security each now feels in the present will vanish, perhaps forever—when, sir, not one single principle of our constitution is settled or established, even after the lapse of nearly half a century—what, I repeat, can induce them to come into this House, and before this nation, in a spirit of political recklessness, and ask us, the friends of fixed principles, to aid them in their unholy crusade, or expect us to remain silent while they make their insidious attacks? And this too, at a time when they know not to what quarter to look for support—who are their friends, and who their foes? It might be supposed, as some extenuation for them, that the high-minded, honorable, and talented individuals who administer the affairs of this institution, had indulged in feelings of a just indignation, and set themselves up in hostile array against their persecutors. Is this so? Will the honorable gentleman from Tennessee venture to assert it? He will not. He will say nothing here which he does not believe. Sir, there is no foundation whatever for this supposition. The bank has never stepped out of her prescribed constitutional path: her vaults have never been closed against the wants of the Government; and if the subject can be got at, I have no doubt it will be found, that even at a moment when the public deposites did not equal those of many private individuals, the demands of the Government were unhesitatingly met, and her wants supplied beyond, perhaps, her utmost hopes or expectations. I will venture no further on this track. I will seek no further to unravel what can only pain me. I will only take care that no anxious fear of having a like current turned against myself, shall induce me to swerve, even for an instant, from the severe path of my duty: that I do not fold my arms, and tamely abandon all the great principles of the Government, and every interest of my constituents, while the attempt is being made utterly to merge them in the vast mælstroom of political expediency or party intrigue. Could I act thus, I should consider myself unworthy the name of freeman, much less worthy to be endowed with the high privilege of a representative of a free, manly, and highly intelligent people. No, sir, I shall fulfil my duty here, happen what may. I shall be deterred by no personal considerations; shall fear no personal consequences: personal imputations I dread not—I feel myself above them. No honorable member on this floor will make them, and such as come from corrupt and dishonorable sources out of doors will pass me as the idle wind. On the subject now before us, I feel myself strong. I stand, sir, on the broad basis of public opinion: I am sustained by the unanimous voice of my constituents, and of the whole moral and intelligent community, of which I am the humblest member. The House will pardon me if I indulge for a time in what may be termed the luxury of this moment. We are no longer engaged in that miserable system of bush-fighting, ay, sir, bush-fighting, in which we have been struggling for the last five or six weeks. I feel, sir, that I have my head above water. I breathe freely. The enemy has ventured from behind his entrenchments; modestly enough, it is true, but still, sir, he is out, and I am too happy to meet him on the plain. My voice shall reach the people, that they may know who are their friends, and who it is that seek, in the indulgence of a rank personal animosity, to corrupt the sources of their comfort and prosperity, diminish the value of their property, and take from them what they now enjoy—a fair and just equivalent for the toil of their hands, and the sweat of their brows. Will not this prove the issue of these reiterated attacks on the bank? Who can doubt it? No one, sir. I hold in my hands documents ample to prove it: I will presently refer to them; time will allow me to do no more at present.

And now, Mr. Speaker, to the point. My honorable friends who have preceded me in this debate have performed this day a great duty to their country, and with that firmness and intelligence which always distinguishes their efforts. My honorable friend from Kentucky has amply demonstrated the folly, if not wickedness, of this expense, in its effects upon the country at large, and more particularly upon the West; while my distinguished friend from Connecticut has with equal ability shown its unsound and ruinous character as a measure of finance. But what says the honorable gentleman from Tennessee? Why, forsooth, he has told us, in calm and modest language, and with a most unaffected simplicity of demeanor, that he was greatly surprised at the opposition to this bill; that it was nothing more than an isolated proposition. An isolated proposition, Mr. Speaker! And have we come to this, sir? Is it possible that an honorable member of this House, and from the Committee of Ways and Means too, can rise in his seat, and tell us, the assembled representatives of

the people, that a proposition which strikes at the very existence of the most important national institution in this country, an institution whose benefits are as extensively felt and acknowledged as, I had almost said, the broad light of day itself, without whose agency it is well known the administration of affairs could not progress, and whose amount of exchanges in a single year, foreign and domestic, solely for the benefit of the Government, and the convenience of the agricultural, commercial, and manufacturing and planting interests, exceeds the enormous sum of two hundred and fifty millions of dollars; is it possible, I say, that a proposition which strikes at the very existence of such an institution, and puts at hazard this vast convenience, in which the whole Union is so deeply interested, is to be called simply an isolated proposition! The honorable member of the Committee of Ways and Means must excuse me. I cannot view it in that light. My financial vision, humble as it is, cannot adapt itself to such a focus. An isolated proposition, sir! I consider it, and respectfully invoke the attention of the House to this point, as part and parcel of that grand system of attack against this noble and ably administered institution, began at an early period of the present administration, fully developed in the ever memorable veto message, and now, sir, brought into this House, that we, too, may be made subservient and accessory to its completion. But I trust, sir, that the representatives of this great nation will at once boldly march up to this question, meet it at the very threshold, and crush it before its influences shall be allowed to contaminate the air we breathe. But, sir, the honorable gentleman of the Committee of Ways and Means goes further, and tells us that this bill simply proposes "to disenthral the Government from a partnership in this incorporated company." Why, sir, this is strange doctrine, to say the least of it. The bill proposes to separate at once the Government and the bank. Now, sir, although it is true that, when the Government invited its citizens to join in this partnership, there was no express stipulation to that effect, yet was there just moral ground to presume that the Government would not desert the stockholders until the term of the partnership had fully expired; and this presumption was the more natural, inasmuch as the citizen was but slow to subscribe in the first instance, and accepted but reluctantly the invitation to invest.

Let it be remembered, too, that while the Government has derived every possible benefit from the labor and exertion of the stockholder, the latter has at no time received even legal interest for his money. This position, sir, in my humble opinion, constitutes a strong moral ground of objection against this bill. But there are others, and equally strong ones, presenting themselves to my mind. I cannot abandon the hope that the people of these United States will, before long, have their eyes opened to the true state of this question. I firmly believe that, even at this moment, party discipline aside, a vast majority of them are in favor of renewing the charter of this bank. I will not therefore consent that their interest in the renewal of this charter should be thus extinguished; and, so far as my humble voice and exertions can go to accomplish it, I am resolved that they shall not only have the benefit of the bonus to be paid hereafter for the renewal, but likewise have all the advantage of the increased value of the seven millions, in consequence of that renewal, which cannot fail to amount to from two to three millions of dollars. This, sir, may never happen: I anticipate the reverse. And I do not hesitate here, in my place, to express my conviction, that when that question again comes up for consideration on this floor, and the country and Congress are put in possession of the documents proving the actual condition of this bank, and the vast benefits that result to the Union from it, that public opinion will make it imperative upon both Congress and the Executive to add their sanction to its judgment, and continue the benefits of this institution to the people, without which, having so long enjoyed them, they would become poor indeed.

And now, sir, let me ask the honorable gentleman from Tennessee, how and to whom does he propose to sell this stock? to the bank or to individuals? If it be to the bank he looks, surely it is with but little hope, for the bank has been hitherto managed with too distinguished skill to suppose it capable of the folly of reducing its capital, in direct opposition to the spirit of its charter, which assigns thirty-five millions of dollars as the amount necessary to enable it to perform its duties to the country, of diminishing its business, and curtailing its means of usefulness.

If, then, the bank be out of the question, it is scarcely probable that any honest capitalist will, under present circumstances, seek it as a permanent investment. It must therefore remain a long time in the market, before it can become absorbed by the community, greatly depressing the value of the property of the present stockholders, depreciating daily in its own, to the great injury of the nation at large, and only tending to illustrate the wretched infatuation upon which the financial concerns of this nation are based. It follows, then, as my honorable friend from Kentucky has clearly shown, that no one remains but the profligate speculator or the Government partisan, to avail themselves of this chance; a combination which we, as legislators, should ever consider it among the first and highest of our moral duties to discountenance and banish.

I regret, Mr. Speaker, that time is not allowed me by the rules of the House to go fully into this subject. I hold the document in my possession to demonstrate most satisfactorily to this House, that certainly there does not exist at this moment, perhaps there never has at any time existed, an institution so sound in all its parts, so beautifully harmonious in its action, and beneficial in all its results, as this much calumniated, much abused Bank of the United States.

I beg honorable gentlemen from the West and Southwest, and, let me add, too, from the South, who entertain feelings hostile to this institution, not to be led astray by vague, indefinite charges and idle clamor, no matter from what source they may come, or under what garb they may approach them. Let them examine the system of domestic and foreign exchanges, of which this institution is constitutionally the agent, and the enormous amount of which I have heretofore alluded to, exceeding, in one single year, the sum of 250,000,000 dollars: let them test the operation of this system upon their own constituents, the value of their crops and of their property generally, and then let them calmly ask themselves, can we, in the face of this evidence, on any ground of political expediency, or party policy, lend ourselves to prostrate this institution, and with it the value and comfort of all that is most dear to us? Let them examine and admire the admirable theory of its action, its vital principle, by means of which it expands, with admirable effect, to meet every exigency, and having completed its sphere of duties, again contracts itself as business subsides, and thus preserves the whole atmosphere of trade and commerce, as it were, sound and healthful. The calm, dispassionate, unprejudiced, patriotic mind will not for a moment hesitate.

But, sir, while on this subject, and before I take my seat, the House will pardon me while I take as concise a view as possible of the grave, and, in my opinion, most unaccountable charge against the bank, made from the highest quarter, as to its solvency and security as a place of deposite of the public funds. I do not know, sir, how I can better illustrate the fallacy of this charge, than by a reference to a document I hold in my hand, from which I quote a few facts, as they appear in the report of the New York Legislature, made on the 31st of January, 1833.

From this it will be seen that the whole amount of banking capital in the United States, independent of the Bank

of the United States, is one hundred and twenty-four million five hundred thousand dollars, their circulation 68,332,556 dollars; and that the whole amount of specie in their vaults did not exceed 10,953,950 dollars. Compare with this, at the same period, and immediately after having effected, without the least disturbance whatever, either to the currency of the country, or its business in any branch whatever, fifteen millions of dollars of the public debt, the situation of this insolvent institution, its capital thirty-five millions of dollars, its circulation 17,667,444 dollars, while the specie in its vaults equalled the sum of 9,040,050 dollars. And yet, sir, we are told, in the face of facts so easily got at, and in defiance of all collateral evidence of the most unrivalled prosperity, that the bank is insolvent, and not a fit place of deposite for the public funds! Sir, it is difficult to believe this. History will not credit that any administration could be so regardless of public opinion, or so reckless in the prosecution of its ends, as to give utterance to charges so fatal in their character, not more to the credit of the bank than to the character of the Government and nation both at home and abroad, and unsupported by even the shadow of proof.

But, sir, I have not yet done. Every one knows what for some time past has been the condition of England: laboring under a state of the highest political ferment, distracted in her councils, her ancient institutions tottering to their base, and on the eve of a vast moral as well as political revolution, it became necessary to subject her great moneyed institution to an investigation as rigorously as it was no doubt skilfully managed, and what was the result? Why, it was found that the Bank of England, with a capital of 72,765,000 dollars, a circulation of 90,258,550 dollars, had of specie in its vaults a sum amounting only to 26,465,750 dollars; and yet this institution is sustained by a report of the committee of Parliament, and represented by the Government to be in a most flourishing condition, while the administration of our own Government brings all its influence and patronage to bear against the great national bank of the Union, with the view to crush it, because, forsooth, its circulation does not equal half its capital, while the specie in its vaults nearly equals that contained in all the other banks of the country taken together, and falls short only by one-half its own amount of circulation. I blush, sir, while I state the fact. I wish my constituents, however, to know it, and ardently desire that all possible information on this deeply important subject may be laid before the whole body of the people.

The honorable gentleman from Tennessee had, however, assured the House, the Government had not willed the destruction of the bank. The honorable gentleman has stated what he no doubt believes; his opportunities have, perhaps, enabled him to receive assurances which have satisfied his mind on that point; but, as I do not live under the same favorable auspices with the honorable gentleman, I only form my opinions from the great public acts of the Executive, and his advocates both here and out of doors. I am led to a different conclusion, quite, and to me it is a fact as evident as the sun at noon-day, that the destruction of the bank has long since been determined on, and will be consummated, unless, amid the political convulsions of the day, a new light should suddenly spring up, a new conviction arise of the sound moral as well as political expediency of renewing its charter, and of receiving it within the pale of those constitutional powers of the Government as essential in its sphere as the judiciary has, of late, been found to be important and paramount in the more grave and important orbit in which it is called upon to act.

Mr. W. hoped that, in any remarks he had felt himself called upon to make, he should not be considered as intending any thing personally disrespectful to any honorable member on this floor. Such, he assured the House, was not his intention. He hoped he knew too well what was due to the distinguished body before which he stood, and which had done him too much honor by the patient hearing they had bestowed on him; too well what was due to his constituents as well as to himself. It was true, he had assailed the action of the Committee of Ways and Means, and confessed himself entirely at a loss to conceive upon what ground or public document that could possibly have come before that committee, the bill then under consideration could have been based.

[Here the SPEAKER reminded the honorable gentleman that it was not in order to assail the acts of a committee.]

Mr. W. stated that he only intended to refer to the acts of the committee, as they had been brought before the House. Beyond that he did not wish to go—that surely afforded him ample ground. He again repeated that if, in the ardor of debate, any thing had dropped from him, calculated to wound personally, he should regret it extremely. In conclusion, he expressed the hope that the House would at once meet this question with the firmness and decision its importance demanded, and hoped that on his return home to his constituents, he might have it in his power to congratulate them and the country that a measure so fraught with ruin to them and it, had been met at once, and quashed in its very bud. He had done.

Mr. WHITTLESEY, of Ohio, then demanded the previous question; which motion being duly seconded, the previous question was ordered: Yeas 94, nays 90.

The main question was then put in the following form: "Shall this bill be rejected?" and decided as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Allison, Arnold, Ashley, Babcock, Banks, N. Barber, Barringer, Barstow, Isaac C. Bates, Branch, Briggs, Bucher, Bullard, Burd, Cahoon, Choate, Collier, L. Condict, S. Condit, Bates Cooke, Cooper, Corwin, Coulter, Craig, Crane, Crawford, Creighton, Daniel, John Davis, W. R. Davis, Dearborn, Denny, Dewart, Dickson, Drayton, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Findlay, Grennell, H. Hall, Hawes, Hiester, Hodges, Hughes, Huntington, Ihrie, Ingersoll, Irvin, Jenifer, Kendall, H. King, Kerr, Letcher, Marshall, Maxwell, Robert McCoy, McDuffie, McKennan, Mercer, Milligan, Newton, Pearce, Pendleton, Pitcher, Potts, Randolph, John Reed, Rencher, Root, Russel, Semmes, Wm. B. Shepard, Slade, Smith, Southard, Spence, Stanbery, Stewart, Storrs, Taylor, Philemon Thomas, Tompkins, Tracy, Vance, Vinton, Washington, Watmough, Wilkin, Wheeler, Elisha Whittlesey, Frederick Whittlesey, Edward D. White, Wickliffe, Wilde, Williams, Young—102.

NAYS—Messrs. Adair, Alexander, R. Allen, Anderson, Angel, Archer, Barnwell, James Bates, Beardsley, Bell, Bergen, Bethune, James Blair, John Blair, Boon, Bouck, Bouldin, John Brodhead, John C. Brodhead, Cambreleng, Chandler, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Davenport, Dayan, Doubleday, Draper, Felder, Ford, Foster, Gaither, Gilmore, Gordon, Griffin, Thomas H. Hall, William Hall, Harper, Hawkins, Hoffman, Holland, Horn, Howard, Hubbard, Isacks, Jarvis, Jewett, Richard M. Johnson, Cave Johnson, Kavanagh, Kennon, Adam King, John King, Lamar, Lansing, Leavitt, Lecompte, Lewis, Lyon, Mann, Mardis, Mason McCarty, Wm. McCoy, McIntire, McKay, Mitchell, Newnan, Nuckolls, Patton, Pierson, Plummer, Polk, Edward C. Reed, Roane, Soule, Speight, Standifer, John Thomson, Verplanck, Ward, Wardwell, Wayne, Weeks, Campbell P. White, Worthington—91.

So the bill was rejected.

PRESIDENTIAL ELECTION.

The hour of one having arrived, the Senate attended in the hall of the House of Representatives—the President of the Senate taking the chair of the House—and

in the presence of the two Houses proceeded to open the votes of the Electors in the several States for President and Vice President of the United States. Messrs. Grundy, of the Senate, and Drayton and Hubbard, of the House of Representatives, acted as a committee to read and enumerate the votes; and the whole having been gone through, the result was ascertained to be as follows:

Statement of the votes for President and Vice President of the United States, for four years, from the 4th of March, 1833.

No. of Electors appointed by each State.	STATES OF	For President. Andrew Jackson, of Tennessee.	Henry Clay, of Kentucky.	John Floyd, of Virginia.	Wm. Wirt, of Maryland.	For Vice President. Martin Van Buren, of New York.	John Sergeant, of Pennsylvania.	William Wilkins, of Pennsylvania.	Amos Ellmaker, of Pennsylvania.	Henry Lee, of Massachusetts.
10	Maine,	10				10				
7	New Hampshire,	7				7				
14	Massachusetts,		14				14			
4	Rhode Island,		4				4			
8	Connecticut,		8				8			
7	Vermont,				7				7	
42	New York,	42				42				
8	New Jersey,	8				8				
30	Pennsylvania,	30						30		
3	Delaware,		3				3			
10	Maryland,	3	5			3	5			
23	Virginia,	23				23				
15	North Carolina,	15				15				
11	South Carolina,			11						11
11	Georgia,	11				11				
15	Kentucky,		15				15			
15	Tennessee,	15				15				
21	Ohio,	21				21				
5	Louisiana,	5				5				
4	Mississippi,	4				4				
9	Indiana,	9				9				
5	Illinois,	5				5				
7	Alabama,	7				7				
4	Missouri,	4				4				
288	Whole No. of electors.	219	49	11	7	189	49	30	7	11
145	Majority.									

Vote for President of the United States.

For Andrew Jackson, of Tennessee,	219
For Henry Clay, of Kentucky,	49
For John Floyd, of Virginia,	11
For William Wirt, of Maryland,	7

Vote for Vice President of the United States.

For Martin Van Buren, of New York,	189
For John Sergeant, of Pennsylvania,	49
For William Wilkins, of Pennsylvania,	30
For Amos Ellmaker, of Pennsylvania,	7
For Henry Lee, of Massachusetts,	11

Whereupon, the President of the Senate proclaimed that Andrew Jackson, of Tennessee, having a majority of the whole number of votes, was elected President of the United States for four years, from the 4th day of March next; and that Martin Van Buren, of New York, having a majority of votes therefor, was elected Vice President of the United States for the same term.

The Senate then withdrew, and the House adjourned.

Thursday, February 14.

GEOLOGICAL SURVEYS.

Mr. ANDERSON, of Maine, offered the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the President of the United States to employ a suitable person, in aid of the Topographical Bureau, for the purpose of ascertaining the geology and mineralogy of each of the several States of the Union, with a view to the construction of a mineralogical and geological map of the whole territory of the United States.

Mr. WICKLIFFE said that he should vote against the resolution, because he understood that the act of 1824, referred to in the resolution, had been practically nullified, inasmuch as the money intended to cover all the expense of surveying the routes of roads and canals had been withheld, and the surveys forbidden to proceed, unless the respective States where the surveys were to be made, would consent to bear the expense out of their own funds: of this, however, a gentleman behind him knew more than he. Now, if such was indeed the case, Mr. W. was against continuing a law, the only use of which would be to provide a good fat place for some man that wanted employment.

Mr. ANDERSON said that the resolution went to commit no one, to create no office, to take no money out of the treasury. If it were true that the law of 1824 had been annulled, then this resolution would be without effect.

Mr. WHITTLESEY said that as the gentleman from Kentucky had very unexpectedly called upon him for an explanation of the subject referred to, it might be proper for him to state, that a very important route for a railroad in the northeastern part of the State of Ohio, intended to connect Lake Erie with the Ohio river, having been proposed, an application had been made to the Secretary of War, signed by all the members of the Ohio delegation, by many members from the western part of Pennsylvania, and others, soliciting an examination of the route in question. The Legislature of Ohio had considered the object of so much importance that they had granted an act of incorporation to a company for the construction of the road, and it had been in contemplation to make an application to the General Government for aid to carry it into execution. The Secretary of War had taken up the subject, and, with the promptitude which usually characterized the movements of that officer, had promptly informed them that the application would be granted, provided an appropriation for surveys under the act of 1824 should be made. It had been made; and the expectation of all had been, that the surveys would be made at the expense of the United States. A corps of engineers had been detailed, and part of them had arrived on the ground, when it was found that the bill had been so far countermanded as to throw the whole expense of the survey on the company, save the personal services of the engineer employed; the company had consequently been called together, and they had voted to refuse the offer. In consequence, the route had not been surveyed. The engineer had remained upon the line till near the fall, and had then asked and received leave of absence on furlough, on condition of reporting himself to the department once in every two weeks, that they might know where to direct orders.

A similar application had been made for the survey of a railroad from the Hudson river to Portage Summit, in Ohio. Great interest had been felt in this work in New York, Pennsylvania, and Ohio, where it was universally considered as a work of great national importance. The applicants had been told that the survey would be made, but on the same conditions as those he had mentioned, respecting the other case. Engineers had been despatched, but an order from the President had suspended their operations.

Mr. ANDERSON said that the correctness or incorrectness of this statement would not affect the propriety of passing the resolution, since, if the President should refuse to employ the corps of engineers under the act of

1824, the individual referred to in the resolution would, of course, not be appointed.

Mr. WHITTLESEY said he was not to be understood as opposing the resolution.

Mr. BURD advocated the resolution in a short speech, in which he expressed his wish that the resolution could be so extended as to include all the relative resources of the different States, so that strangers and emigrants might have some guide in selecting where to locate themselves.

Mr. MERCER said he had not risen to oppose the resolution, being friendly to all inquiries of this character. He sustained the assertion of Mr. WICKLIFFE, as to the nullification of the law for surveys, and stated a correspondence between himself and the War Department, on the subject of assuming the reports of the Committee on Roads and Canals, when not contradicted by any legislation of the House, as the rule which was to guide the operations of the department in conducting the surveys.

Mr. VINTON moved to amend the resolution by striking out the words "under the act of 1824," as he was not willing that the money which that law had destined to be employed in surveys, should be diverted to a different use.

Mr. MERCER further explained as to the history of a survey ordered in the neighborhood of Pittsburg.

Mr. HALL, of North Carolina, thinking this a dangerous initiation of a new system for expending the public money, moved to lay the resolution on the table.

The motion was negatived without a count.

Mr. VINTON's amendment was then agreed to.

Mr. ARNOLD moved to change the direction of the resolution to the Committee on Roads and Canals.

This motion was negatived; and

The resolution was then agreed to.

ELECTION OF PRINTER.

The hour having arrived at which the House had resolved to proceed to the election of a public printer,

Mr. SPEIGHT moved a call of the House.

The motion prevailed, and the House was thereupon called.

Eight members were absent—when the call was suspended.

Mr. McCOY, of Virginia, then nominated Francis P. Blair.

Mr. NEWTON, of Virginia, nominated Gales & Seaton.

Mr. WICKLIFFE nominated Duff Green.

Mr. COOKE, of New York, nominated Thurlowe Weed.

The SPEAKER read a communication from William Greer & Son, proposing to do the work cheaper than any body else.

Mr. BURD, of Pennsylvania, thereupon nominated William Greer & Son.

Messrs. McCOY, NEWTON, WICKLIFFE, COOKE, and BURD, were appointed a committee to count the votes.

When the balloting commenced, and resulted as follows:

	1st Ballot.	2d Ballot.	3d Ballot.	4th Ballot.	5th Ballot.	6th Ballot.	7th Ballot.	8th Ballot.	9th Ballot.	10th Ballot.
For F. P. Blair,	88	93	96	95	93	97	96	98	97	95
Gales & Seaton,	60	69	77	78	80	79	78	78	83	84
Duff Green,	25	25	20	16	14	14	14	12	14	11
W. Greer & Son,	8	3								
Th. Weed,	12	7		1		1	1		1	2
Condy Raguet,	5	4	5	10	8	7	5	4	6	5
Anne Royall,	1									
Blackmore,						1				
Blank,	4		3	4		6	9	4	4	5

At the close of the 10th ballot, it being after 4 o'clock, an adjournment was moved, which succeeded, and

The House adjourned.

FRIDAY, FEBRUARY 15.

ELECTION OF PRINTER.

The House resumed the unfinished business of yesterday, being the election of a printer to the House for the next Congress; the same tellers as yesterday acting. The following was the result of the several ballotings:

	First.	*Second.*	*Third.*	*Fourth.*
For Gales & Seaton,	91	94	93	99
F. P. Blair,	90	91	90	94
Duff Green,	7	3	2	1
C. Raguet,	7	5	2	1
Blanks,	4	3	2	2

After the third ballot,

Mr. HALL, of North Carolina, moved a resolution postponing the election until the first Thursday in the next session of Congress.

Mr. VINTON inquired of the Speaker if such a resolution was in order, under the law.

The SPEAKER replied that it was in order.

Mr. WILLIAMS moved to lay the resolution on the table, stating that the postponement was inadmissible, inasmuch as the House was acting under a law which required the election to be made at the present session. He, however, waived his motion at the request of

Mr. WAYNE, who said that the House was now executing a law, and must proceed with the election unless the law be repealed. To postpone the election until the next session would violate the law, and could not be done without the interposition of the joint action of the two Houses. He read the act which enjoined the election of a printer at the close of every Congress; and hoped the gentleman from North Carolina would withdraw his resolution.

Mr. HALL then withdrew his resolution.

Mr. BOON, of Indiana, moved to postpone the election to the 3d day of March, (the last day of the session,) but being informed that the 3d was Sunday, he varied his motion to the 2d day of March, and demanded the yeas and nays on the motion.

Mr. WILLIAMS moved to lay the motion on the table.

The SPEAKER said the motion to lay the motion on the table was not in order.

Mr. WICKLIFFE doubted the correctness of the decision of the Chair, and made some remarks to show that Mr. WILLIAMS's motion was in order.

The SPEAKER explained; and

Mr. WICKLIFFE not persisting in his opposition to the decision,

The question was taken on the motion to postpone the election to the 2d of March, and was decided in the negative, as follows: Yeas 92, nays 101.

Mr. HAWES then moved that the House adjourn.

Mr. E. WHITTLESEY demanded the yeas and nays, which were taken, and stood: Yeas 14, nays 173.

The fourth balloting then took place, which resulting as as above stated, Gales & Seaton were declared by the Speaker to be duly elected printers to the House of Representatives for the ensuing Congress.

SATURDAY, FEBRUARY 16.

LAND REPORTS.

Mr. WICKLIFFE, from the Committee on the Public Lands, reported the following resolution, viz.

Resolved, That the Clerk of this House cause to be collected, arranged, and printed, for the use of the House of Representatives, such of the reports of the several boards

of commissioners, and the registers and receivers when acting as boards, for the adjudication and determination of land claims in the several States and Territories, which reports were adverse to claimants, and which have not been printed heretofore by order of this House; and that the said Clerk cause to be made to the same a suitable index.

Mr. WILDE moved to postpone the resolution till Monday.

This motion gave rise to conversation and explanations, in which Messrs. WILDE, WICKLIFFE, CLAY, BULLARD, and VINTON took part.

Mr. VINTON condemned the motion as likely to occasion the printing of a vast mass of matter amounting to a number of volumes, without any useful result.

Mr. WICKLIFFE replied, and referred to the great facilities which would be enjoyed by the Land Committee, in consequence of having the record to refer to.

Mr. WHITE, of Florida, supported the motion, as did Mr. BULLARD, Mr. MASON, and Mr. WHITTLESEY.

Mr. CAMBRELENG thought more deliberation was necessary before passing a resolution giving to an individual one of the heaviest printing jobs the House had ever offered.

Mr. WHITTLESEY warmly supported the motion as likely to save immense trouble to the Committee of Claims, a large part of whose labors were occasioned by cases from the Committees on the Public Lands and on Private Land Claims.

Mr. LEAVITT opposed the resolution, not having data as to the extent and expense of its consequences.

Mr. CLAY, of Alabama, explained, and urged the necessity of having such a record; the expense of improperly allowing one of those large land claims would cost the nation far more than the whole of this printing.

Mr. WAYNE suggested that an index might be prepared which would answer the whole purpose. He inquired of Mr. Wickliffe as to the number of volumes which would have to be printed.

Mr. WICKLIFFE could not exactly state, but supposed the whole expense would not exceed $2,000. He adverted to a claim which had been allowed by the Land Committee, but which would have been promptly rejected had the committee seen the records he now wished printed.

Mr. WAYNE said, if Mr. Wickliffe would examine and produce an estimate, he would vote in favor of the measure.

Mr. ASHLEY supported the resolution, and stated the erroneous grounds on which many decisions of boards of commissioners had proceeded.

The further prosecution of the debate was cut off by the expiration of the hour.

The House then passed to the orders of the day, and went into Committee of the Whole on sundry bills. Having come to the bill for the

DEFENCE OF THE FRONTIERS,

Mr. DUNCAN moved to strike out the word "dragoons," and to increase the force of the proposed mounted battalion into a regiment of ten companies.

Mr. D. made a brief statement of his object in making this motion. He objected to the bill as reported, because it contemplated a change in the character of the corps, and a diminution of from six to four hundred. He was anxious for a more perfect organization of the corps, but was opposed to diminishing the number of men. He had given notice when the bill passed at the last session, that he would avail himself of the first opportunity to propose an increase of the corps so as to form the battalion into a regiment, but he was unwilling to change it into dragoons, because he did not believe they would be as efficient in service, or as acceptable to the settlers on the frontier, whom this troop was intended to defend. He would not consume the time of the committee with any further remarks, but would renew his motion when the bill comes into the House.

The amendment was negatived.

Mr. ASHLEY moved several small amendments in reference to sergeants, buglers, forage, &c., which were agreed to.

The committee then rose, and reported the bills to the House.

Mr. CONNOR moved to go into Committee of the Whole, and take up the Post Office bill.

No quorum having voted,

Mr. HOFFMAN moved a call of the House. The motion prevailed, and the House was called.

The call having been gone through, an adjournment was moved.

Mr. E. WHITTLESEY demanded the yeas and nays. They were ordered, and resulted as follows: Yeas 23, nays 116.

Mr. WILLIAMS moved a recess till 5 o'clock.

The motion was negatived.

Mr. CRAIG moved an adjournment: Yeas 58, nays 62.

Mr. CONNOR renewed his motion to suspend the rule, to move to go into committee on the Post Office bill: Yeas 71, nays 39—not two-thirds, the required number to suspend a rule.

Mr. EVANS moved an adjournment.

Mr. CLAYTON demanded the yeas and nays; they were taken, and stood as follows: Yeas 78, nays 83.

Mr. CONNOR gave notice that he would move to go into committee on the Post Office bill on Monday.

Various motions to take up particular bills having failed, another motion was made for an adjournment—which carried.

And the House adjourned.

[During nearly the whole of this day's sitting the members were attracted in numbers to the Senate chamber by the debate going on there; which accounts for the difficulty experienced in keeping a House together.]

Monday, February 18.

LAND REPORTS.

The resolution offered by Mr. Wickliffe, for printing certain reports of the board of commissioners on land claims, coming up,

Mr. WHITE, of Florida, moved to amend the resolution so as to include as well the reports in favor, as those adverse to the claimants. He explained the present dilapidated state of the records to be printed, and stated that the whole might be comprised in a single volume.

Mr. CAMBRELENG said that he had heard a very different opinion as to the extent of the printing, expressed by a gentleman formerly chairman of the Committee on the Public Lands. This brought up

Mr. ISACKS, of Tennessee, who made statements as to the result of inquiries formerly made in the Committee on the Public Lands, as to the expediency of printing these reports, the result of which had been that it would cost more than it was worth.

The debate was here cut short (the hour of 12 having arrived) by a motion to proceed to the orders of the day, and the House took up

THE TARIFF BILL.

The question before the House was the motion of Mr. Drayton, of South Carolina, to recommit the bill, and the amendment of Mr. Wayne, of Georgia, to recommit with instructions to reduce the revenue gradually to twenty per cent. in the year 1841, and to provide for the intermediate fluctuation by increasing or diminishing, as might be necessary, the duties on unprotected articles.

Mr. WAYNE said that the question had assumed a

different aspect from that which it possessed last week. The gentleman from South Carolina [Mr. DRAYTON] was confined to his apartment by severe indisposition; and it was doubtful whether he would be able to resume his seat during the present session. Under these circumstances, he [Mr. W.] would not press the amendment which he had submitted, but would, with the consent of the House, withdraw it, together with that offered by the member from South Carolina. He had that gentleman's authority for the withdrawal.

The consent was given, and the motions were withdrawn.

Mr. DICKSON said that the bill, considering the course taken in relation to it last week, had come upon the House rather by surprise. He should, therefore, before they proceeded, further with the amendments, move a call of the House.

The motion was agreed to, and the call was ordered and taken, when 190 members having answered to their names, the call was suspended on the motion of Mr. POLK.

Mr. CRAWFORD said it must be manifest that, in the present temper of the House, and the late period of the session, no effectual legislation could be had upon this bill; and he would therefore move to lay it on the table. He called for the yeas and nays upon the question.

Mr. BOULDIN rose, and requested that the motion for laying the bill upon the table might be withdrawn for a moment, in order to allow him an opportunity of explaining the course which he and some of his friends intended to pursue in relation to this great question.

Mr. CRAWFORD consented on condition of the renewal of the motion.

Mr. BOULDIN said he had, with all the care in his power, drawn out a formal bill grounded upon the proposition which had been laid upon the table on a former day, and upon some of the amendments which had been submitted. It was his wish to offer a complete bill as the tender of a fair and honorable compromise to those interested in manufactures. He had nothing further to say. He should have offered it as soon as the subject was taken up, but he was aware that it would not be then in order. He should, however, submit it as soon as it became in order.

Mr. ARCHER inquired whether it would not be in order to offer it before the other amendments of the present bill should be disposed of; and if so, he expressed a hope that the motion to lay on the table would be withdrawn for that purpose.

The SPEAKER said it would not be in order until the amendments were disposed of.

Mr. CRAWFORD regretted that he could not comply with the request, and that he felt himself compelled to renew the motion.

The question was then taken, and the result was as follows: Yeas 84, nays 108.

So the House refused to lay the bill on the table.

The House then returned to the amendments to the bill reported from the Committee of the Whole.

The amendment on blankets, which had been proposed by Mr. WHITE, of New York, and which graduates the duty from thirty down to twenty per cent. (leaving it permanent at fifteen per cent.) was concurred in by yeas and nays: Yeas 114, nays 68.

The amendment which went to except ready-made clothing from the operation of this bill was also concurred in: Yeas 100, nays 75.

The question next came up on the amendment which retained carpets, flannels, bockings, and baizes, as under the law of 1832. This was concurred in without a count.

The amendment which made the reduction upon cloths more gradual, as originally reported, and fixed it at 35 per cent. till March, 1835, and so down, leaving the duty permanent at 25 per cent., was concurred in by yeas and nays: Yeas 104, nays 72.

A proviso, keeping the duty on ready-made clothing as under the law of 1828, was next concurred in without a count.

The amendment striking out the 8th and 9th sections of the bill, including the duties on cottons, and substituting other provisions fixing the duty at 30 per cent. and down to 20, was concurred in.

The question was then on concurring in a duty of two cents per pound on raw cotton. Adopted in Committee of the Whole, on the motion of Mr. BARRINGER. This was decided in the affirmative by yeas and nays: Yeas 93, nays 77, as follows:

YEAS—Messrs. John Q. Adams, Chilton Allan, Heman Allen, Allison, Arnold, Ashley, Babcock, Banks, Barringer, Bates, Beardsley, Bethune, James Blair, Briggs, John Brodhead, John C. Brodhead, Bucher, Burd, Burges, Cahoon, Chandler, Clay, Collier, Condict, Condit, Bates Cooke, Cooper, Craig, Crane, Crawford, Creighton, Dearborn, Denny, Dewart, Ellsworth, Edward Everett, Findlay, Ford, Grennell, Hiland Hall, Harper, Hiester, Hodges, Howard, Hubbard, Hughes, Ingersoll, Irvin, Isacks, Jenifer, A. King, Leavitt, Letcher, Lyon, Mann, Marshall, Maxwell, McCarty, Robert McCoy, McDuffie, McKay, McKennan, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Potts, Reed, Root, Semmes, Smith, Southard, Spence, Stewart, Storrs, Sutherland, Taylor, Philemon Thomas, John Thomson, Tompkins, Tracy, Vance, Washington, Watmough, Weeks, Wilkin, Wheeler, Frederick Whittlesey, Edward D. White, Wickliffe—93.

NAYS—Messrs. Alexander, Robert Allen, Anderson, Angel, Archer, Barbour, Barnwell, Barstow, Bergen, John Blair, Boon, Bouck, Bouldin, Cambreleng, Carson, Claiborne, Clayton, Coke, Connor, Coulter, Davenport, Dickson, Doubleday, Draper, Horace Everett, Felder, Fitzgerald, Foster, Gaither, Gilmore, Gordon, Thomas H. Hall, William Hall, Hawes, Hawkins, Hoffman, Hogan, Horn, Ihrie, Richard M. Johnson, Cave Johnson, Joseph Johnson, Kavanagh, Kerr, Lamar, Lansing, Lecompte, Lewis, Mardis, Mason, William McCoy, McIntire, Mitchell, Newnan, Nuckolls, Patton, Plummer, Polk, Rencher, Sewall, Shepard, Shepperd, Soule, Speight, Standifer, Francis Thomas, Wiley Thompson, Verplanck, Vinton, Ward, Wardwell, Wayne, Elisha Whittlesey, Wilde, Williams, Worthington, Young—77.

The amendments in relation to cordage, leaving the duty at two cents on tarred, and three cents on untarred cordage after March, 1834, were agreed to.

The amendment which imposes on fossil salt a duty amounting to one-third of the duty on other salt, coming up,

Mr. JARVIS opposed the amendment as inconsistent with the object of the bill, inasmuch as it goes to increase, instead of to reduce the tariff. It would, moreover, he contended, be of great injury to the manufacturers of salt.

Mr. HOWARD supported the proposition, as the importation of the article without such a duty would be attended with the worst consequences to the commercial interests of the country.

The question was then taken, and the amendment was concurred in: Yeas 89, nays 86.

The House then adjourned.

TUESDAY, FEBRUARY 19.

LAND REPORTS.

The question coming up on Mr. WICKLIFFE's resolution, for printing the decisions of boards of commissioners on land claims not hitherto printed, together with an amendment proposed by Mr. WHITE, of Florida, ex-

tending the resolution to decisions confirming as well as rejecting the claims,

Mr. CLAY stated that Mr. White (who was absent) was willing to withdraw his amendment, lest it might defeat the resolution.

The question was taken on Mr. White's amendment, and negatived; and, after an inquiry from Mr. WAYNE as to the probable expense of the work,

The question was taken on the resolution, and decided by yeas and nays in the negative, as follows: Yeas 54, nays 65. So the resolution was rejected.

[The proposition was introduced in the Senate the following day, and passed.]

The House having passed to the special order of the day, and resumed the consideration of

THE TARIFF BILL,

Mr. CHANDLER, of Maine, moved a reconsideration of the vote of Saturday on the subject of fossil salt, (on which the bill, as amended, imposes a duty equal to one-third of the duty on other salt.)

This motion introduced, in substance, the same debate which has repeatedly taken place whenever this subject has been under consideration.

Messrs. REED, of Massachusetts, HOWARD, and H. EVERETT advocated, and Messrs. JARVIS, BLAIR, of Tennessee, HOFFMAN, and CRAIG opposed the reconsideration.

Mr. H. EVERETT said he understood the gentleman from Tennessee [Mr. Blair] to say he was opposed to this duty, because he was opposed to any duty on salt; and that, if he succeeded in rejecting the proposed duty on fossil salt, he should then move to strike out the duty on salt. Mr. E. said he thought the question now presented was merely what were the proper relative duties on the two kinds of salt; that, should the gentleman succeed in his motion to strike out the duty on salt, this on fossil salt would fall of course, as in terms it was proposed it should pay one-third the duty imposed on salt. He thought the gentleman would find himself under some embarrassment if the duty on fossil salt should be stricken out, and that on salt should be retained. He presumed the gentleman had no desire to exempt the one without exempting the other. Mr. E. thought there was much force in the remark of the gentleman from Massachusetts, [Mr. Reed,] that this article rested on the same principles as that of sirup of sugar. Both might be considered as raw materials, each requiring foreign capital and labor—the one to raise it from the mines, the other to grow the cane, and to reduce it to sirup. Both were introduced in fraud of the revenue, and of the protection of our manufactures; and he would add, that the judgment of the House on the one might determine his vote on the other.

The question was then taken, and the motion negatived by yeas and nays, as follows: Yeas 82, nays 93.

So the House refused to reconsider.

Mr. TAYLOR then moved to reconsider the concurrence of the House in the amendment laying a duty of two cents a pound on raw cotton, as gentlemen from the South had voted against it.

Mr. WICKLIFFE moved to lay the motion on the table, but withdrew his motion at the request of

Mr. ISACKS, who briefly stated his reasons for voting against a reconsideration.

Mr. McDUFFIE said it had been his intention not to have said one word on the bill; but as the question of reconsideration had been made, he should vote in favor of it. He considered two cents a pound as much too high for a revenue duty. But he could not agree with some of his colleagues. He did not intend that the rights and privileges of South Carolina should be proscribed in that House. If the motion to reconsider should prevail, he would move a duty of fifteen per cent., putting the article of cotton on a footing with other subjects of revenue. He disclaimed and disdained any duty as a protection.

Mr. WAYNE said that he had looked into some price currents recently received from the South, from which he had found that the proposed specific duty of two cents a pound on raw cotton would be equivalent to an ad valorem duty on Brazilian cotton of forty or fifty per cent. He thought this much too high. He had voted in the negative on the question of concurrence, and should now vote in favor of the reconsideration.

Mr. CAMBRELENG said he had voted against the duty when proposed. He should do the same to-day, and should continue to do so—not, however, on the ground taken by any of the gentlemen who had spoken. He went against the duty altogether. He concurred in the general principle maintained by the gentleman from South Carolina, that there ought to be one uniform rate of duty, as far as possible. But though they were advocates of free trade, they ought surely to be governed, in regulating duties, by some regard to the laws of other countries. So far as the bill went to take off duties, Mr. C. was in favor of it; but when it went to lay them on, he should oppose it. He would put no higher duty on cotton here than was imposed in England. If their duty was six per cent., he would have ours the same. Mr. C. inquired whether cotton had any duty imposed upon it before. On being reminded that it was now under a duty of three cents a pound, he said that he should vote to put the duty at fifteen per cent.

Mr. VINTON, of Ohio, said, as he had, at all times, sustained the protective principle, he felt himself called upon to assign the reasons which induced him, yesterday, to vote against agreeing to the amendment. When he first read the bill as it was reported to the House, and saw the article of cotton among the list of imports admitted free of duty, he regarded it as presenting a test question of the controversy so long waged between the planting interest on the one side, and the agricultural and manufacturing interests on the other. He believed, if that feature of the bill were retained, and should go into a law, it would settle the question between the North and the South in three years' time, and give quiet to the country; because, in his opinion, that interest would, in that time, be forced to come back here, and ask that very protection it now denies to all others. The staple products of the South, cotton, tobacco, and sugar, are all protected by specific duties, ranging from forty to seventy per cent. The two first, enjoying the very highest rate of duty, have been secured by it in the exclusive possession of the home market these forty years. And yet, standing behind a breastwork so high and firm that nothing can get over or break through it, they assert that, in fact, there is no protection before them—that they stand out in the open air; and this is made the justification for hurling all manner of projectiles against every branch of industry which is, in any degree, shielded by your laws. The great body of the people at the South believed all this. They have been told, over and over again, that they have no protection; that your laws plunder and rob them, to enrich other sections of the country out of their labor. The delusion has been inculcated till it has taken deep root, and spread over the whole South, this side of Louisiana. Now, sir, while that belief prevails, it is in vain to expect the people of the South will be contented, or cease to make war on the industry of the rest of the Union. All the stores of argument have been exhausted without effect; the South still denies the existing duty on cotton is any protection, and, on that ground, peremptorily demands a surrender of the protection enjoyed by all others. Under such circumstances, it becomes a question that can be settled in no other way than by trying the contested fact by a repeal

of the duty. A temporary repeal becomes necessary to the interests assailed, as a measure of self-defence, and they are justified in aiding the repeal on the ground of self-preservation. The committee which reported the bill proffered a trial of the contested fact, but it has been defeated by the amendment now under consideration, imposing a specific duty of from thirty-five to forty per cent. as against that description of cotton which would be brought into the country for home manufacture—a duty not based upon the ad valorem principle, which the South is so urgent to impose on all others; but a specific duty, be it remembered, which will rise in value precisely as cotton sinks in price. He hoped the article of cotton would be left in the bill as it was reported, free of duty; and if, on subjecting it to the test of experiment, it shall be found the duty on cotton is of no value to the planter, he was free to say, for one, that fact would have much influence with him, and he should feel himself called upon to review the principles by which he had been governed in respect to the protective policy. He was very far from wishing to injure the cotton-growing interest. It was one of the great and leading branches of American industry: as such it ought to be protected, and he was willing to give it protection. Indeed, he would cheerfully vote an absolute prohibition in its favor, and prevent so much as a pound of foreign cotton from ever being consumed in this country. But he would do that, only on condition that that interest would deal fairly and justly by other interests, as he had no doubt it would be willing to do when the cotton planter should become satisfied that the protective policy was not a system of plunder and robbery on him, without any benefit to him, but that it was a shield as necessary to his protection as for others. Mr. V. said he entertained very little doubt, whatever might be said or pretended to the contrary, that the abolition of the duty would, in a few years, sink the value of the whole cotton crop ten or twenty per cent. The opening of the American market to foreigners, by enlarging their market, would create, as its natural effect, a stimulus to the production of cotton abroad, in the same way that a protective duty on an article manufactured at home, so adjusted as to bring it into fair competition with the foreign fabric, stimulates the domestic manufacture. It is the market, in both cases, which encourages production. Not only would the cotton of Asia, of the West Indies, of Brazil, and South America, generally, find its way, in the course of trade, into our markets, but a powerful impulse would be given to the growth of the cotton plant in Mexico, and especially in Texas, in our immediate vicinity, where, from all accounts, it can be produced in the greatest abundance, and at less expense than, perhaps, even in the valley of the Mississippi. Every one who has any acquaintance with the laws of trade, knows the superior value, in every country, of the home market over all others. A very little time will satisfy the deluded planters of the South of the very great importance of retaining the exclusive possession of the home market now enjoyed by them, if that market shall be thrown open to the world; and it would, probably, satisfy them too of what he believed to be true, that no section of the Union derived so much benefit from the protective policy as the South. It has built up, at home, the greatest cotton market in the world except one, and that market is, every year, growing in importance. It has built up the sugar cultivation in Louisiana and Florida: that interest, of itself, is of almost incalculable value and magnitude. The sugar production has diverted into that channel a large amount of capital and slave labor, which would otherwise have gone to swell the over-production of cotton, and depress its price, both at home and abroad.

The demand for slave labor to carry on the sugar cultivation has greatly increased the price of all the slaves in the country. It will be recollected that a gentleman from North Carolina, a few days ago, stated a very important and imposing fact on this subject. He said it was the opinion of those at the South, well qualified to judge of it, that the cultivation of sugar had added fifty dollars to the value of every slave in the country. The same gentleman estimated the value of all the slave population at four hundred and thirty millions of dollars, being an average of two hundred dollars per head for the whole. It will thus be seen that the increased value given by the sugar cultivation to all the slaves in the country is several millions over one hundred millions of dollars; and is one-third, or thirty-three and one-third per cent. added to the one hundred and fifty dollars which would otherwise be the average value of each slave throughout the Union. He would ask if the protective policy beyond the immediate neighborhood of the manufacturing villages and towns had caused a similar increase of the price of property in the other division of the Union. Had it, in New England, New York, Pennsylvania, or Ohio, increased the price of land, or the products of labor, in a corresponding degree? He was sure it had not.

Mr. V. said he would act on the principle of protecting those who admitted they had protection, and wished its continuance; but as for those who denied they had any protection, and asserted they "disdained" it, and wanted none, he would take them at their word, and withdraw it from them. If, for example, they who represent the iron interest, should rise up here, and declare the protection was of no value to them, and make that a plea for assailing and pulling down other interests, after argument and expostulation were exhausted, he would take the protection away, and put the truth of the assertion to the trial. Such was, unfortunately, the state of the case with the cotton interest; and since they who represent that interest tell us they "despise" protection, and the offer has been made in this bill to give it up, he would help them to throw down their fences, and let all manner of trespassing animals into their fair fields; and when they shall come back again, as he had no doubt they will, he would assist to build them up again so high and so strong that nothing could break over them; provided they will consent to do it on the great principle of reciprocal justice, "live and let live." He had but one word more to say. If gentlemen, as they profess, desire to raise revenue from cotton, he could put them in the way of doing it; when it should be in order, he would move to fix the duty at five per cent., that being the rate at which the woollens and blankets worn by the slaves had been put by the act of the last session; and then we should get revenue from the duty. There was a fitness in adjusting the duty on the products of slave labor to the rate of duty paid on the imported articles used by slaves.

Mr. BARRINGER, of North Carolina, said that he had moved to put this duty at two cents a pound, not exclusively on the principle of protection, but equally on the principle of revenue. It was true that as this was a raw material, if it was not produced in this country, it might be good policy to admit it free, in order to aid our own manufacturers, and to cheapen the fabric of the consumer. But cotton was raised in this country, and every body knew the duty upon it was in a great degree nominal. Little or no cotton was imported, as the domestic supply exceeded fourfold the demand of the home market. The principle was true, in general, that wherever supply was equal to demand, and especially where it exceeded it, duties, however great, did not increase the price. American cotton now regulated the cotton market in every part of the world. The prices at Liverpool, Havre, &c. were regulated by our product. Of the whole amount of cotton made and consumed in the world, the American amounted to two-thirds, or perhaps three-fourths. Under these circumstances, it would and must regulate the price. A duty upon it operated nominally only. It did

not increase the price of the raw material to the American manufacturer. The only effect was, that if we should be excluded from the great cotton market of the world, we should still have a monopoly for our own cotton, just as the manufacturer had for the manufactured article. Whatever gave a monopoly to one, would give the same monopoly to the other. And the only cause that could do this was a war with England. In that case, the protection of the raw and of the manufactured article would be mutually beneficial to manufacturer and producer.

The gentleman from Ohio [Mr. Vinton] was correct in his deduction that this duty was a protection. It was about the ordinary standard of a revenue duty, viz. twenty per cent. Besides, he would like to know on which of the principles ordinarily advocated by that gentleman he would desire to exclude cotton from a protective duty, for the purpose of producing an importation of the article from the East Indies. He called upon the gentleman to show that he was not actuated by any personal hostility or enmity toward those whose misfortune he might say it was to live in the Southern States. According to no system of morals that he ever heard of, would the conduct of others, however wrong it might be, afford justification to him in abandoning his own principles. The gentleman's opposition could, so far as he perceived, be traced to no principle but that of retaliation (he would not say vindictive retaliation, though that, perhaps, would not be too strong an expression) upon those whose course might be considered as opposite to the interests of the gentleman's constituents. According to the doctrine of the gentleman from South Carolina, cotton was as fair a subject for a revenue duty as any other article, and a duty of two cents could not be called exorbitant. On the principles of protection, such a duty might perhaps confine the manufacturers to the use of American cotton. But if the price of cotton should rise, this specific duty of two cents might come to be equal to an ad valorem duty of only ten per cent., or even less than that. Mr. B. would appeal to the gentleman from Ohio to review his course, and act more in consistency with his own principles. If certain gentlemen from the South chose, in the loftiness of their mind, to abandon all protection; if they chose to be so very magnanimous as to give up all, Mr. B. could not go with them. He was for putting a revenue duty on this Southern product; and if protection should be the result, he thought his constituents entitled to it. As a Southern man, he asked it. If others abandoned it out of magnanimity, he should not. He was sent there to take care of his constituents, not to surrender their interests. Nor did he see on what principle the gentleman from Ohio could resist the duty, unless on the naked principle of retaliation.

Mr. E. EVERETT said he should vote against the reconsideration. He should vote against reducing the duty on imported cotton, for the same reason that he had voted, and should continue to vote, against reducing the duty on imported cotton fabrics. In fact, the same general principles applied, with a great degree of similarity, in the two cases. When the protecting duty on cotton fabrics was laid, in 1816, that duty was not intended for the benefit of the manufacturer alone: the interest of the planter was also consulted. This has been controverted on this floor; but I know it to be true. I do not pretend to speak of the motives of the Southern members who voted for the minimum duty on cottons in 1816, (a duty avowedly asked for as a prohibitory duty,) but I know that the manufacturers, who petitioned for that duty, urged, in favor of it, that its effect would be to shut out a foreign material, as well as a foreign manufacture. In the memorial of the manufacturers of cotton in Massachusetts, in 1815, it is said that--

"The articles, whose prohibition we pray for, are made of very inferior materials, and are manufactured in a manner calculated to deceive rather than to serve the consumer. No part of the produce of the United States enters into their composition. They are the work of foreign hands on a foreign material. Yet are they thrown into this country in such abundance as to threaten the exclusion of its more useful and substantial manufactures. They injuriously affect the industry, not only of the manufacturing, but of the agricultural States, and they cause a continual drain of specie. The prohibiting their importation, except for exportation, would, we apprehend, be attended with salutary effects upon the cultivators and manufacturers of the staple of the South."

In the report of the Committees on Commerce and Manufactures, at the same session of Congress at which this duty was laid, it was expressly stated that it would be one of the beneficial results of fostering the cotton manufacture in this country, that it would increase the consumption for American cotton. Nothing is therefore more certain than that, at the period when the protecting duty was laid, it was intended, as one object, to shut out India cotton, in the form of the fabric; and the reasons of policy which connected the two objects then, exist now.

But I have other reasons for not disturbing this duty on cotton. Its history entitles it to respect. It is a curious history, and less known than it ought to be. The gentleman from New York, [Mr. Cambreleng,] thoroughly acquainted as he is with all these matters, had asked whether there was, by the existing laws, any duty on foreign cotton imported. I will therefore recall the manner in which this duty was laid, to the recollection of the House.

The manufacture of cotton is as old as the earliest settlements of America; not, of course, its manufacture in mills, and with machinery, (which is an invention of the last sixty years,) but the household manufacture. Nine-tenths of the population of the country, not merely the poorest portion of the inhabitants, but the substantial yeomanry, were from the first clothed in homespun. Cotton fabrics, it is true, were much less worn then than at the present day; sheetings and shirtings of that material were much less used; but various articles of clothing were made of cotton, and of cotton and woollen mixed, besides its use in other parts of domestic economy. Just before the adoption of the constitution, cotton mills were established in Massachusetts, Rhode Island, Connecticut, New Jersey, and Pennsylvania, and perhaps in other States. They were aided by State bounties, by the efforts of patriotic associations, and by duties laid by the States upon the importation of cotton fabrics. Such was the state of things when the constitution went into operation in 1789; there was a very extensive household manufacture of cotton, and the manufacture with machinery was daily increasing.

Now, what was done by the first revenue law passed under the Government—the second law passed under the constitution? Cotton, as a raw material, was left in the bill, as it went through the House of Representatives, among the free articles. Though a little had been raised in some of the Southern States, it was not known as a staple product, nor as an article of exportation. All the cotton used in the country, for household or other manufactures, (except in the immediate neighborhood of those spots where the small quantity alluded to was produced,) was imported from the West Indies and the Spanish Main. As the bill passed the House of Representatives, this foreign raw material for clothing was allowed to be imported duty free. It then cost about one-third of a dollar per pound. In the Senate, by way of amendment, a duty of three cents per pound was laid upon foreign cotton. This was done, not to encourage, but to create the culture. It was purely a speculative duty. It was not asked for (as my constituents are compelled to ask the continuance of duties, on the faith of which their

establishments had been created) to keep them from breaking down, but it was asked for to enable the Southern planters to introduce the culture of cotton.

When the bill came back to the House of Representatives with its amendments, the amendment in question was supported by Mr. Burke, of South Carolina, on the ground that "cotton was in contemplation," as an article of produce, by the planters of South Carolina and Georgia; and that "if good seed could be procured, he hoped it might succeed." On this hope the duty was laid. In this patriotic contemplation, the first Congress laid a duty of about ten per cent. on the raw material of some of the most necessary articles of clothing--a duty which was felt in every farm house and cottage from Maine to Virginia, and from the sea to the mountains—a duty asked for by Southern Senators and Representatives, to encourage Southern products. What renders more striking the good care which the South then took to protect her industry, although at the expense of that of the North, in the present case, is, that the duties laid by the same bill on imported cottons were actually less than those which some of the States had laid under the old confederation.

This was severely felt by the infant establishments for manufacturing cotton; and when General Hamilton, in December, 1791, made his celebrated report on manufactures, he stated that "the present duty of three cents per pound on the foreign raw material was undoubtedly a very serious impediment to the manufactures of cotton," and that "a repeal of it is indispensable" to their prosperity. Did the South respond to this appeal? did they agree to remove this "serious impediment" to the manufacture of a necessary part of the clothing of the poor? an impediment arising from a protecting duty, asked for as such, by themselves, to enable them to introduce a staple as yet only contemplated? I find no trace of such agreement, and the duty remained.

Let it not be thought that this was a momentary thing. The cotton plant was acclimated very slowly in our Southern States. Although it had been known there as early as 1740, or earlier, yet, in 1784, a small quantity, of American growth, which had found its way to Liverpool in a vessel from the United States, was seized, on the ground that it must have come from the Islands. In 1789, as we have seen, the Southern members only contemplated and hoped it success, as a staple product; and as late as 1794, when Chief Justice Jay negotiated his treaty, he inserted cotton with molasses, sugar, coffee, and cocoa, as articles supposed to be all exclusively of colonial produce, which American vessels should not be permitted to carry from the United States to Europe; it not being intended to allow to our vessels the carrying trade between the West Indies and any ports but our own. It could not, accordingly, have been within the knowledge, either of Chief Justice Jay or the British minister, as late as 1794, that cotton was an article raised for exportation in this country. But two years later than this, I find this duty still considered and retained as a protecting duty on cotton. In 1796, a memorial was presented to the House of Representatives, from the proprietors of a cotton mill on the Brandywine, praying for the repeal of the duty on the raw material, and the increase of the duty on cotton fabrics.

The prayer of the petitioners was rejected by the Committee on Commerce and Manufactures, on the grounds that the then existing duty on the imported fabric afforded sufficient protection, "and that to repeal the duty on raw cotton imported would be to damp the growth of cotton in our own country." This committee consisted of a member from Pennsylvania, South Carolina, North Carolina, Connecticut, Massachusetts, Virginia, and Maryland. These facts show the light in which this duty was regarded by Southern members of Congress. They prove that, at least for seven years, the South continued willing to lay a tax of three cents per pound on every yard of coarse homespun cotton cloth; nay, upon the wicks of the candles by which the poor farmer and his family spun and wove this cloth, in the long winter evenings, in order that their plantations might whiten with this beautiful product. From the last named period, and after the skill of a New England mechanist had presented the South with the saw-gin, the duty was probably for a long time of no consequence. But at the present prices of the cottons of other countries, it is now again unquestionably protective. The gentleman from Georgia [Mr. WAYNE] told us that he had price currents before him, that made a duty of two cents per pound amount to forty or fifty per cent. Three cents per pound is therefore sixty or seventy-five per cent. This is surely a protecting duty. The gentleman from North Carolina [Mr. BARRINGER] says that one-third of the consumption of Europe is of cotton not raised in the United States. Our consumption is exclusively of our native cotton. Why should not one-third of our consumption be of Brazilian, Egyptian, and East India cotton? There is a small quantity imported and wrought up even with the burden of the duty, enormous as it is even on the foreign article. A great deal more is imported and re-exported. It would of course stay here and be wrought up, but for the duty. Sir, take off the duty, and a considerable quantity would be imported. The freight even from the East Indies is not much greater than from New Orleans.

Now, it is true that some gentlemen from the South, on this floor, reject this duty. I would not insist upon their taking it against their own wishes. I would not proceed on what the gentleman from North Carolina calls vindictive motives. I would not take this duty from them, because they propose and endeavor to take our protecting duties from us. But if they did not want it, I would not force them to have it. If the South was unanimous, whatever I might think of their policy, I should be disposed to let them have their own way. But they are not unanimous. Louisiana wishes the continuance of this duty. With that State the part of the country where I live carries on a commerce advantageous to us, and profitable, I hope, to them. They take our manufactures, our fish, our oil. We take their sugar and their cotton. The interchange is mutually beneficial. We are satisfied with it on both sides. We want no change. The cotton is cheap enough: ten cents per pound is little enough; and so is six and a quarter for the yard of cloth made from it. I will not lend a hand to the trying of any experiments to make them cheaper. These interests are too vast to try experiments. The annual value of the cotton fabrics of the United States is 32,000,000 dollars, a sum equal to the value of the cotton crop. I wonder that gentlemen, who consider how cheap the various articles manufactured are, should wish to tamper with it. The gentleman from North Carolina [Mr. BARRINGER] said the duty on cotton was nominal, and added nothing to the price. And what, I ask, does a duty of seven and a half cents per square yard add to the price of an article that sells for six and a quarter? We do not want the duty to add to the price of that class of fabrics. We want it to keep the market steady; to keep out foreign trash sold at auctions; to prevent great fluctuation. And it is wanted for the raw material as well as for the fabric. If the whole South wished the duty removed on their staple, I would gratify them: though in three years they would feel the difference, to their cost. But when a large part of the South ask to have it kept on, I will not agree to repeal it. On the contrary, if any gentleman will move to put it back to three cents, he shall have my vote.

Mr. HALL, of North Carolina, made some remarks, but what they were, or on which side, cannot be stated, as not one word was audible at our reporter's table.

Mr. BLAIR, of South Carolina, said that he should

vote against the reconsideration. He was unwilling to disturb the duty as it now stood, and should vote against any reduction of it. He did not consider that duty as sanctioning, by any fair inference, the policy of protection. That policy, according to the general understanding, was comparatively modern. It had not commenced till 1816. But this duty on cotton was of old standing, and had been laid long before. If its effect should now be to produce protection to the raw material, he thought they of the South were entitled to it on the ground of seniority. They had a right to plead something like an act of limitation.

Mr. BURD observed that the gentleman from Ohio [Mr. Vinton] had said, that if gentlemen from the South were not willing to protect themselves, he would help them to throw down the fence. Mr. B. would act upon a higher rule. He would endeavor to do as he would be done by. The gentleman had said, let the foreigner come in, and the House would see their need of protectection, and they would come and petition for it; and that then the gentleman would grant it to them. Mr. B. thought the House ought to be governed by no such motive. However just retaliation might be towards enemies, he could not view the people of the South as enemies, and he was not willing to retaliate upon his brethren. If they were deluded, he was sorry for it, but could not help it. He should be pleased to see them protected. He hoped their views would soon become more correct; and that they would view those measures as just and beneficial which they now erroneously believed to be grinding them to the dust. Mr. B. thought they were wholly mistaken; he did not consider them as oppressed at all. He was a friend to the protective system, and was decidedly in favor of continuing the discriminating policy. He hoped the House would not reconsider.

Mr. THOMAS, of Louisiana, said that, lest it might be thought that all the cotton-growing States were of one opinion as to this duty, he wished to say a few words. He found that the most southern State in the Union was in favor of the protective policy, while the most eastern was the advocate of free trade, while the States between were some of one opinion, and some of the other. For himself, he had always been of one and the same opinion. He had fought to win our liberties, and after they were won, he had always held that our country ought to be independent as well as free; and that this would never be the case until we were able to work up the raw material of our own raising, and to sell in its manufactured state to foreigners. Then the country would be not only free, but independent. Mr. T. had not changed his opinion: and he held himself bound to say in his place, speaking, as he did, for the State of Louisiana, that she considered the duty on cotton as a great thing. What would be the condition of the planters there if it should be taken off? They had the finest cotton country in the world hanging just above them on the Red river, and the removal of the duty could not but be attended with the most serious injury. He was not for letting all Texas into our market. Let Texas hunt out a market for herself, as Louisiana had to do. Let us keep the home market for ourselves. We ought to proceed on the same principles as every cautious and economical family did. They looked first after themselves, and then helped their neighbors. He asked, who came first to the New Orleans market? The American merchant. Who gave the best price? The American merchant. He had often heard of the price declining, but never of its rising. By our present policy, an amount of eight or nine millions of dollars was secured to the American planter. Was this nothing? He thought it was something. And he hoped it would not be given up.

If, however, any State wished herself excluded from this benefit, he was for granting her the privilege. He might be mistaken, but he hoped Louisiana would be treated as well as the other States. He had heard nothing said about touching the duty on tobacco; and why reduce it on cotton? The duty on tobacco was merely nominal, but Mr. T. was far from asking to have it taken off. This, however, he would say, that if cotton must go, tobacco must go with it.

Mr. DAVIS, of Massachusetts, said he should vote for the reconsideration, and this on very obvious principles. The Committee of the Whole and the House had denied to the manufacturing interest a protection above 20 per cent. And it was a principle recognised as sound by the South, that the raw material ought not to be taxed higher than the manufactured article. Now he asked gentlemen for the same rule on cotton as they had applied to cotton goods. Ninety thousand bales of cheap cotton had been imported in one year, costing from 4 to 6 cents. Now let gentlemen go to the foreign market, and assess the price there, not here. This East India cotton cost in India only 4 cents. A specific duty of 2 cents amounted to 50 per cent. Yet manufactured cotton was to be put at 20 per cent., while the raw material was at 50. Was that the gentleman's way of equalizing duties? Besides, this duty was specific. But when the manufacturer asked for a square yard duty, no such thing must be heard of. It was unjust; it was deceptive; it was defrauding the public. Why did not all this apply to a specific duty on cotton? He invited gentlemen to preserve some little consistency. When he looked at the planting interests, he found them all protected. Coal, cotton, flour, tobacco; all were protected by high duties. Manufactured tobacco was covered by a duty of 10 cents a pound; flour by a duty of 50 cents the cwt.; and coal by a duty of 6 cents the bushel. These were the staples of the country; every one of them protected in the amplest manner. And the Southern gentlemen came forward and cried out loudly against the protecting policy, and even insisted that it was a just cause for dividing the Union. They had had the benefit of all these high duties, and now, forsooth, they despised protection. The gentleman from South Carolina said that he had despised this duty for protection. It was time this thing was understood. The gentleman from South Carolina had said that this was a revenue duty. The time had now come which Mr. D. had long predicted. They had at length arrived at a test question on revenue. Mr. D. asked whether a duty was a revenue duty merely because it was assessed, or because it actually produced revenue. Which of these two senses was the true one? Which addressed itself to common sense? Mr. D. maintained that no duty was a revenue duty unless it produced revenue—unless it brought money into the treasury. If gentlemen would look to the table of imports, they would find that the treasury had realized from this duty of three cents a pound on raw cotton, some three or four, or at most five thousand dollars. Yet the gentleman from South Carolina got up, and gravely told the House that it was a revenue duty. What character of revenue had it? Let not the House be deceived by names. Revenue meant money. What was it levied for? Why was the duty put at 20 per cent.? Would gentlemen call it a revenue duty because it equalized revenue? They must know that a duty of 20 per cent. would raise revenue on some articles, but more on others. This was the doctrine of Mr. Huskisson. He had said that in England 15 per cent. was enough. Why? Because in England that was protection. So was the duty of three cents a pound on cotton. If it should be put at 20 per cent., it would not be with a view to enrich the treasury. It would be imposed for protection. Let things have their right names. A duty was not either more or less a revenue measure, for being made equal to the duty on other articles. Mr. D. protested against considering this as a revenue duty, as being a false assumption. It was no revenue duty at all.

Mr. D. said he was willing to treat gentlemen on the other side of the Potomac as fairly as others, but he was not willing that they should have a protection of 50 per cent. on raw cotton, and then stand on this floor and deny to the North a protection over 20 per cent. on the manufactured article.

He would say to the gentleman, go on. Proceed with your system, till you have stopped every cotton mill in the country. Was it for revenue? And how would they raise a revenue when they had stopped all the manufactures? The position was an absurdity. He could call it by no other name. Mr. D. should therefore vote for the reconsideration, and for putting raw cotton on the same footing as the corresponding article. He would do this, and he would do no more. He protested against that love for British systems of revenue which seemed so powerfully to have smitten the gentleman from New York, [Mr. CAMBRELENG.] He did not know why that House should always be called upon to imitate England; or what authority British statutes had as precedents on this side of the water. Let us do our own business in our own way. But let it ever be remembered that the protecting policy was a system, and must be treated as a system. It was a system that would work great good if properly regulated. But unless it was treated as a system, it must inevitably fail, and fail entirely.

Mr. WILDE here rose to explain, and reply, but owing to his great distance from the reporter's seat, and the noise and confusion of the hall, he was only heard at intervals. He was understood to say that the Committee of Ways and Means had reported a bill by which cotton was to be free of duty.

They had been induced to do so, because, while they were rapidly reducing the duties on manufactured cotton down to the revenue standard, they were told that to retain a high duty on the raw material would be very injurious to the manufacturers, and that, if they reduced the one duty, they must reduce the other. They had accordingly put cotton free of all duty, believing that the planters would not be exposed to any great danger from foreign competition. The gentleman from Massachusetts [Mr. DAVIS] was mistaken as to the amount of revenue produced by the existing duty. Instead of three or four thousand dollars, it was over ten thousand.

Here Mr. W. made some explanations about cotton from the Rio Brasos, which were not distinctly heard or understood by the reporter. With respect to the "protecting duty" on cotton, about which so much was said, it ought to be remembered that when the duty of three cents a pound was originally laid, the price of cotton was 75 cents a pound, and consequently the protection amounted to 4 per cent. In 1795, when the cotton gin was invented, cotton enjoyed little or no protection, in consequence of the long time it required to free it from the seed. But that most useful invention did more to protect it than all other things put together. In 1802, in a town in Georgia, which now shipped 100,000 bales of cotton annually, it was a rare thing to see a wagon load of cotton. Tobacco was the great staple. The omission of tobacco in the bill reported by the committee was accidental; and if any gentleman would move to make tobacco free, Mr. W. was understood to say that such a proposition should have his vote. And gentlemen would find that representatives from the tobacco country would not oppose it. Mr. W. was in favor of the reconsideration. He thought two cents too much; and as to leaving it at three cents a pound, he would rather vote to take the duty off entirely. He should think, however, a revenue duty of 15 or 20 per cent. quite fair.

Mr. WAYNE remonstrated against the unnecessary consumption of time in this debate. That House was trifling with the expectations of the people, in thus discussing a bill which, it must be obvious to all, could not be put in any shape to ensure its passage. Under this persuasion, he had said nothing yesterday, but had silently voted against the imposition of this two cent duty. He considered it as entirely too high, and was not willing to expose himself to the reproach of voting a high protecting duty on his own staple, while he was opposing the doctrine of protection generally. The gentleman from Massachusetts [Mr. DAVIS] had, he thought, treated them with perfect fairness, save in one particular. It was the desire of South Carolina that no product of the South should be shielded from competition, except by a revenue duty; and if the gentleman from Massachusetts would look at the price of foreign cotton, he would perceive that a duty might be imposed which would in fact produce nothing to the treasury, and yet might be a revenue duty. If a duty was put at the same rate with other duties imposed for revenue, it would not follow that it was a protective duty, even though it might produce no revenue at all. What was the actual fact? Let a duty of one cent, or a cent and a half, be imposed on foreign cotton. That upon the prices abroad would not be more than 25 per cent. Mr. W. was told that the foreign material might be brought to this country at a freight of one cent a pound. How then could the duty be a protection?

He heard the gentleman say that the cotton that came in would be a poorer article. That was very true; but its being a poorer article would not prevent the manufacturer from making it up into the same goods as now came into the country made from this very cotton, and sold well in the market. He was aware that the object of the manufacturers was to keep the trade as it now stood, and to prevent fluctuations in the market. Mr. W. did not say that a very large amount of foreign wool would come in; yet as the country made, at present, but very little cotton goods, but of coarse cotton, the importation would increase the manufactures of that description. The manufacturing interest wanted to keep things as they were. But he begged them to allow the South to be consistent if it chose to be so. She asked a reduction of the protection now enjoyed. And while he heard some gentlemen say that they were out of their senses, in wishing to take off the duty, he maintained that it was quite as great madness for the manufacturers to impose on the South a heavy protecting duty on their own raw material. One gentleman had told the House that the South was not united in this wish—that Louisiana was for retaining the duty. He knew this. He expected it; as of course Louisiana was not united with the South Atlantic States on any point. Her representatives dare not give up this duty, lest they should commit themselves to do the same thing with respect to sugar. The venerable gentleman from Louisiana [Mr. THOMAS] had said that there was a vast cotton country above them just going to be opened. Very true. And that was precisely the reason why the duty should be put low. That country would and must come into the cotton markets, and the price of cotton would range from 6 to 9 cents.

The cotton interest looked ahead; they saw their fate; they were willing to meet it. But they hoped that the reduction of the protective system would prove an equivalent.

Mr. BURD, of Pennsylvania, said he was opposed to the reconsideration of the vote, and to the reduction of the duty on cotton. The old rule ought to be practised and observed, of "do unto others as you would wish others should do unto you." I do not practise upon the system of morals suggested by the gentlemen across the way. It may be just to retaliate on an enemy; but it is always good policy to place your adversary in the wrong, enemy or not. The inhabitants of the Southern States I consider as brethren, not as enemies. If they differ from us, I am willing to concede that they think they are right. We conceive they are under a delusion, and that a few

years will convince them that they are. For one I shall never abandon the policy of protecting the domestic industry of the country. The South have been foremost in the policy, and have found and now experience the beneficial effects of it. I contend for the duty, not caring whether the Southern planter requires it or not, but as a part of a great system which has in a great measure made us independent of foreign manufactures, and which will, if persisted in, render us entirely so. To abandon the discriminating principle in protecting our own industry, would, in my humble opinion, be wretched policy, and what, for one, I never will agree to. I therefore shall vote against the reconsideration.

After some explanation between Messrs. WAYNE and DAVIS, as to personal consistency, Mr. W. again remonstrated against wasting time upon this bill: every body knew it could not pass; and he hoped the House would hasten through the amendments, that another bill might be introduced that should bring harmony and healing on its wings.

Mr. DAVIS explained, in reply to Mr. Wilde, as to the amount of revenue arising from the three cent duty. The actual amount of money received from it at the treasury, as appeared by the official returns, was $341.

Before any question was taken, a motion for adjournment prevailed.

Wednesday, February 20.

SETTLERS ON PUBLIC LANDS.

Mr. WICKLIFFE, from the Committee on the Public Lands, reported a bill to extend the provisions of the act of the 3d of March, 1807, entitled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law;" which bill having been twice read,

Mr. WICKLIFFE handed to the Chair a letter from the Secretary of War, showing the necessity of this bill, to guard against a project on foot for organizing a company at Rock island, to take possession of the lead mines west of the Mississippi, upon which the law for the removal of intruders, in its present form, would not operate. The object of this bill was merely to extend the authority of the United States over its unappropriated land, wherever situated. Mr. W., foreseeing no objection to the bill, asked that it be now ordered to be engrossed for a third reading.

Mr. DUNCAN regretted to have been obliged to differ with the majority of the Committee on the Public Lands who had reported this bill. It did not, in his opinion, meet the views of the Government, and must fall short of the expectations of its friends in the committee. He objected to reviving a law which had remained near forty years a dead letter on the statute books; an act which had never, and could never be enforced. Public opinion had long since fixed the seal of reprobation upon any attempt to punish individuals for settling or trespassing, as it is called, upon the public lands. Suits had often been brought under this act, and the result had universally been, that the Government paid the cost. He was in favor of extending the power to the President to lease the mines west of the Mississippi on the same terms that those east of that river are now leased. Such a policy would receive the sanction of the people; would produce a large revenue; and be the means of preserving the timber, and of husbanding all the resources of the country.

He was opposed to the bill on account of the impossibility of enforcing it, the principles it contained, and the vexation and violence which he thought would certainly ensue if an attempt should be made to enforce it, under the policy now pursued in relation to the mines east of the river. He said it was in the power of the Government agent to protect the timber and mines from waste; and when that country is offered for sale, which must soon be done, it would command a high price, after having paid, in rents received from the mines, largely more than the original cost of the whole country. He was not very favorable to the leasing system; it would be much better to sell these mines as soon as possible; and the Committee on the Public Lands agreed with him on that subject, and had reported a bill for selling all the mineral lands east of the Mississippi. But one thing is certain, that the enterprising citizens of that country cannot be kept out of this newly acquired territory; and it was a question now to be settled, whether we should admit every good citizen, or, by attempting to exclude all, only admit those who are independent of, and will disregard all law.

Mr. WICKLIFFE briefly replied, insisting on the expediency of legislating on the subject, and leaving the question of the execution of the law to those on whom it would devolve.

The bill was then ordered to be engrossed for a third reading.

Mr. PLUMMER, from the Committee on the Public Lands, to which the subject had been referred, reported a bill granting to the States of Mississippi, Louisiana, Missouri, Indiana, Illinois, and Alabama, a quantity of land for purposes of internal improvement.

Mr. P. said, in presenting this bill to the consideration of the House, he had no disposition to attempt an argument in favor of its provisions, which seemed to meet with the general approbation of the members. Justice to the new States demands its passage; and so sensible are all parties of the equity of its provisions, that no one, from whatever quarter of the Union he comes, whether from an old or new State, will, I trust, be found to raise his voice in opposition. Instead of making a formal report, it has been deemed advisable to make a brief verbal statement of facts in reply to the call made on the committee by the House. I am anxious to make that statement at this time, because of the impracticability of our being able, in consequence of the advanced period of the session, to consider the subject again, separated from, and unconnected with, the bill to distribute the proceeds of the sales of the public lands among the several States according to their federal representative population, which has passed the other branch of the Legislature.

The Committee on the Public Lands, by whose order this bill was reported, were instructed, by a resolution of the House of the 14th of December, to inquire whether any of the States had received donations of land from the General Government for the purpose of making roads, bridges, canals, and improving watercourses; the quantity of land received by each State; and into the expediency of granting to such of the new States as have received no portion of the public domain for such purposes, a quantity of land equal to that granted to the other States, to be applied to objects of internal improvement within their respective limits. I find, on examination, that there has been granted by the General Government to the State of Ohio, nine hundred and twenty-two thousand nine hundred and thirty-seven acres; to the State of Indiana, three hundred and eighty-four thousand seven hundred and twenty-eight acres; to the State of Illinois, four hundred and eighty thousand acres; and to the State of Alabama, four hundred thousand acres of land, for the purposes of internal improvement, viz. making roads, bridges, canals, and improving navigable streams within the limits of those States. No grants of land have ever been made for the purposes of internal improvement, to the States of Mississippi, Louisiana, or Missouri. These are all the new States in which the General Government has exercised ownership over the waste and unappropriated lands within their respective limits. Without entering into any argument in favor of a system of internal improvement,

either by the States or the General Government; and without expressing any opinion as to the propriety or policy of making donations of land for such purposes, I would simply remark, that the same reasons which have heretofore induced Congress to make donations of land for objects of internal improvement to a portion of the new States still exist, and are urged in favor of making grants for similar purposes to the other new States. The bill simply proposes the granting of five hundred thousand acres of land to each of the States of Mississippi, Louisiana, and Missouri, and a sufficient quantity to each of the States of Indiana, Illinois, and Alabama, to make the whole quantity donated to them equal to five hundred thousand acres each. The lands to be located by authority of their Legislatures, in tracts not less than eighty acres each, on any of the unappropriated lands within their respective limits, subject to sale at private entry. The lands so located to be disposed of at a price not less than one dollar and twenty-five cents per acre, and the proceeds to be faithfully applied to such works of internal improvement as are therein particularly designated.

I was willing that the Legislatures of the several States should have been left to designate the particular objects to which the proceeds should be applied, but a majority of the committee preferred that they should be designated in the act making the grant. The improvements of the navigation of watercourses, named in the bill within the State I have the honor of representing, would, by enhancing the value of the adjacent lands belonging to the General Government, add to the national treasury, and thus benefit all of the States: the same remark is applicable to the other States named in the bill. I hoped to have been able to lay before the House the report of a board of civil engineers, who, in 1829, examined all the streams within the State of Mississippi named in the bill, under the authority of the Legislature, for the purpose of showing the practicability of making them navigable, but in this I have been disappointed.

The Tombigbee river, the western branch of the Mobile waters, is a desirable portion of the northeastern part of the State I represent. Upwards of one hundred miles of this stream, within the State of Mississippi, is susceptible of being made navigable for steamboats six months in the year, at an estimated expense of ten thousand dollars. The Yazoo river rises in the Chickasaw country, in the northern part of the State, and, after a meandering course of three hundred miles through the most fertile lands and delightful part of the State, empties into the Mississippi a little above the thirty-second degree of north latitude. It has been navigated by steamboats one hundred and sixty miles from its mouth. There are some obstructions to the navigation of the Yazoo, such as logs in the channel, and overhanging timber on the banks. It is estimated that the expense of removing the obstructions will not exceed two thousand dollars.

The Big Black river runs in the northern part of the State, between the waters of the Tombigbee and Yazoo, and empties into the Mississippi a little below the thirty-second degree of north latitude. The average width is forty yards, and the water from six to twenty-five feet deep in the driest season of the year. The only obstructions to steamboat navigation are logs in the channel, and projecting timber from the banks. It is estimated that it could be made navigable for steamboats six months, and for keelboats nine months of the year, two hundred and ninety miles from its mouth, including the meanderings of the river, for the sum of fifteen thousand dollars. Steamboats have ascended, in time of high water, as high as fifty miles, and keelboats much higher. Flat boats bound to New Orleans, loaded with cotton, in high water, descend it annually from a distance of two hundred miles from its mouth. It is a sluggish stream, and a great portion of its banks are annually overflown a distance of from one to three miles from the main river.

The river Homochitto empties into the Mississippi, and waters a rich and fertile part of the State; it can be made navigable a distance of fifty miles, five months in the year, at the estimated expense of four thousand dollars.

Pearl river rises in the Choctaw country, and empties in the Gulf of Mexico, through Lakes Borgne and Pontchartrain. It has been navigated by steamboats, in high water, as far up as Jackson, the seat of Government of the State, five hundred miles from its mouth. It is estimated that it can be made navigable, on the rise of the water, say six months in the year, for twenty thousand dollars. With the exception of a raft about forty miles above the head of tide water, there are no obstructions excepting projecting trees and timber from the banks.

Pascagoula river is formed by the junction of Leaf and Chickasawhay, in the eastern part of the State, and empties into the Gulf of Mexico. It is navigable its whole length, sixty miles. Leaf and Chickasawhay can be made navigable, the former one hundred and thirty miles, and the latter one hundred and sixty miles, for boats of one hundred tons, for the sum of eight thousand dollars.

About seventy miles below the line dividing the States of Tennessee and Mississippi, there is a bayou or pass, which makes out of the Mississippi river into the water of the Yazoo. This pass seems to be an anomaly in nature. It puts out of the Mississippi immediately into a small lake called the Horse-shoe, from its form. The distance from the lake to the entrance of the pass on the opposite side is about eight miles. It is a remarkable fact that the current between the lake and the Mississippi river, during the portion of the summer when the river is low, runs a counter course from the lake to the Mississippi. After making its way through a rich and fertile region of country, now in the possession of the Chickasaw and Choctaw tribes of Indians, for about forty miles, it unites with the waters of Cold Water, and the left branch of the Yazoo. Its average width is about thirty yards. The channel is of sufficient depth for steamboat navigation during the whole year. There is no historical account of its having been known to the French or Spaniards. It seems, however, from some traditionary accounts of the Chickasaws, to have been known a long time to the Indian hunter.

The first knowledge which the whites had of its connecting itself through the Yazoo again with the Mississippi, or of its being navigable, was, as I have been credibly informed, ascertained accidentally, by a circumstance which I will relate. Many years ago a flat boat loaded with produce, descending the Mississippi river in time of high water, was thrown by the current out of the main channel into this pass. When the commander of the boat discovered his mistake, it was too late to force his broadhorn* against the current back into the main channel. In consequence of the overflow of the swamp, the crew were unable to land and reconnoitre the country, or abandon their boat. As the only alternative, he concluded to float upon the current, and trust to Providence for a safe deliverance, under the hope that it was only an ordinary cut off, which would take him back into the Mississippi river again. After floating by way of the pass, the Cold Water and Yazoo, through the interior of the uninhabited part of the now State of Mississippi, for hundreds of miles, they found themselves, to their astonishment, again floating on the bosom of the waters of that majestic river they had left some two or three weeks previously, and joyfully proceeded on their way to New Orleans, the place of their destination.

In consequence of obstructions in the pass, it can only be navigated in time of high water. A Mr. Bell, a highly respectable and intelligent citizen of Mississippi, who re-

* Flat boat.

sides at the point where the pass makes out of the river, has, during the present season, piloted several boats through the pass into the Yazoo, in perfect safety. The obstructions to the free navigation of the pass, in low water, consist of timber standing in the main channel, logs, driftwood, and in some places rafts. The whole expense of making the pass navigable for boats of all descriptions, is estimated at a sum not exceeding ten thousand dollars. In 1828, the Legislature of Mississippi authorized the Governor to employ a civil engineer to examine the pass, and he made a favorable report, accompanied with an estimate of the expense, which I am unable at this time to refer to.

No part of the land on this stream has yet been offered for sale. An appropriation of money by the General Government, or a donation of land sufficient to make this pass navigable, would enhance the value of the land to ten times the amount of the sum appropriated. It would also be of incalculable benefit to the States of Missouri, Illinois, Indiana, Ohio, Kentucky, and Tennessee, who supply the planters of Mississippi with the products of their soil, to be able to run their boats into the interior of the richest, most fertile, and densely populated part of the State.

There has been much controversy upon the subject of the powers of Congress to make improvements in the interior of the country. I am aware the doctrine has been held by a respectable portion of the politicians of the country, and by those with whom I have been associated on most of the great national questions, that, although they had the power to improve the seaboard, by widening channels, erecting breakwaters, and cleaning out harbors, they could not, constitutionally, make similar appropriations for the improvement of the navigable streams in the interior of the other States. But I trust that those who are the strictest in their construction of the constitution, will not carry their State rights doctrines so far as to deny the power of Congress to relinquish to the new States a portion of the lands to which they are entitled, by virtue of their sovereignty, and to which they would still be entitled, but for the fact of their having, by their own act, disclaimed all right and title thereto, and relinquished the same to the General Government. Five-eighths of all the land in the State of Mississippi is held and owned by the General Government. It is not my intention to enter into a discussion of the merits of the bill, but I beg leave to call the attention of the House to the language of the Legislature of the State I have the honor of representing, in their numerous memorials to Congress on this subject. I have not been favored with copies of them for presentation, nor do I find any record of their ever having been presented. I find them among my collection of legislative documents.

[Mr. P. here read extracts from sundry memorials of the Legislature of Mississippi, on the subject; after which, the bill was twice read, and committed.]

DUTIES ON HARDWARE.

Mr. HORN moved the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the act of Congress, passed the 14th of July, 1832, entitled "An act to alter and amend the several acts imposing duties on imports," as provides that certain articles therein mentioned shall not be imported at a less rate of duty than would have been chargeable upon the raw material, constituting the chief value if imported in an unmanufactured state.

The question being put, to agree to the said resolution, it was ascertained that a quorum did not vote.

A motion was then made by Mr. FITZGERALD that there be a call of the House; which motion was disagreed to: when, to ascertain the presence of a quorum, a motion was made by Mr. WICKLIFFE that the House do adjourn; which was decided in the negative: Yeas 8, nays 123.

Mr. HORN said that, if the object of the resolution was understood, he believed that there would be no objection to it. Believing, himself, that no bill on the general subject of the tariff would pass at this session, he knew it to be indispensable that some bill should pass in relation to the subject of this resolution. Without some such legislation, the utmost confusion must prevail in the collection of the revenue, and that in fact the law, as it now stands, cannot be executed. He understood that application had been made to the Treasury Department to know if any construction could be there given to the law, which would remedy its objectionable and impracticable provisions, and that an answer had been returned that no construction could be given to the law, but that which the act bears on its face. Satisfied that the framers of the act of July last never intended it to have the operation to increase the existing duties three or fourfold, as it does, he hoped the resolution would be agreed to without opposition.

Mr. DEARBORN confirmed, in substance, the statement of Mr. Horn. He was himself satisfied that the provision of law, referred to in this resolution, was not only onerous in itself, but could not be executed. He presented to the House a letter from the Comptroller of the Treasury on the subject, sustaining his views of the necessity of an immediate amendment of the act of July 14, 1832, which was read at the Clerk's table.

Mr. CAMBRELENG spoke to the same effect. He instanced the case of a common utensil, a frying pan, for example, the parts of which were composed of iron, of different descriptions, paying different duties, and paying those duties by weight. Under the act which was to go into operation on the 4th of next month, every package of such goods must be opened, weighed, valued, &c., in such a manner as to defy the ingenuity of all the collectors in the country to carry it into effect. Even if a general tariff bill should pass at this session, (as he hoped it would,) a special act would be necessary to remedy this difficulty, before the law of July could go into operation.

Mr. HUNTINGTON said, if the amendment suggested was necessary, he desired to see it made in a proper manner. Let it be done by way of amendment to the general tariff bill. With this view he moved to lay the resolution on the table.

Mr. CAMBRELENG said that, if a tariff bill passed, it would not go into operation before September next, and the existing law, which is to take effect on the 4th of March, would, if not amended, produce a sad state of things.

The motion to lay the resolution on the table was negatived: Yeas 44, nays 108.

After a few further observations from Mr. DEARBORN and Mr. STEWART,

The previous question was demanded by Mr. SPEIGHT, sustained by the House, and carried, and the resolution was agreed to without a division.

The hour of one having arrived, the House proceeded to the orders of the day, and took up

THE TARIFF BILL.

The question pending was on the reconsideration of the duty of two cents a pound on raw cotton.

Mr. SPEIGHT, of North Carolina, was opposed to the reconsideration. He was not an advocate for the duty on the article, because he was opposed to the whole protection system, internal improvements, and all, on principle. Inasmuch, however, as the duty had been agreed to by the House, he was opposed to reconsidering it.

Mr. BLAIR, of South Carolina, thought the remarks of the gentleman from North Carolina impugned the mo-

tives of all who voted for this duty. He himself did not consider it in the light of a protecting duty; it did not belong to that class of duties. A duty on raw cotton had existed ever since the year 1816. He did not believe that many members were aware of this fact; or that any duty had been imposed on cotton at all. The gentleman from North Carolina professed his opposition to internal improvements; now I, said Mr. B., carry my opposition to protection just as far as he does his to internal improvements. When he wants an appropriation for Ocracoke, or any other place in his district, his principle is not heard of.

Mr. SPEIGHT disclaimed any intention to impugn the motives of any one on this question, and he was surprised to hear such a thing imputed to him; nothing was further from his thoughts. The gentleman talked about appropriations for internal improvements. Mr. S. said he was against all such appropriations, whatever the gentleman might say to the contrary.

Mr. WICKLIFFE now renewed the motion to lay the motion for reconsideration on the table. He had been sorry ever since he withdrew it.

The question on laying the motion was lost: Yeas 72, nays 103.

Mr. VINTON said he had endeavored last evening, without success, to obtain the floor to say something in reply to some remarks made by the gentleman from North Carolina, [Mr. BARRINGER,] having allusion to himself. Mr. V. said he wholly disclaimed being influenced by any such feelings towards the interests of the South, or those who represented its interests here, as the gentleman seemed to imagine might be the case. He [Mr. V.] did not wish to inflict injury on the industry of the South; very far from it; he was glad to see it prosperous. He had yesterday stated the cotton cultivation ought to be protected, and that he was willing to grant in its favor a prohibition of all foreign cotton. But what he stated was, that he would do it only on terms of reciprocal justice to other interests: that he would not consent that cotton should enjoy a duty which, in fact, was a prohibition, and at the same time deny it had any protection, and make that denial its justification for assailing and pulling down all other branches of home industry. The preservation of the interests assailed required that denial should be put to the test, until the denial and the hostility of the cotton interest were withdrawn. The gentleman from North Carolina had complained of him [Mr. V.] as though he was the author of the proposition to admit cotton duty free. He must beg leave to remind the gentleman, he [Mr. V.] had not introduced the proposition; it was in the bill as reported by the Committee of Ways and Means—a free trade committee. Let the gentleman put the saddle on aright, and quarrel with his friends for bringing the proposition here, and not with him for helping them to execute their wishes.

The gentleman had taxed him [Mr. V.] with inconsistency. He had given a reason for his course satisfactory to himself. But if the gentleman is fond of consistency, he will find abundant matter for contemplation by directing his attention home to himself. He is a free trade advocate; is for bringing every thing down to a revenue standard: he lays duties only to raise money for revenue, and not for protection; is against specific, and for ad valorem duties, and votes for duties of that character, and at the lowest rate on all manufactured articles. And yet the gentleman moves to strike the article of cotton out from the free list of imports, and to substitute a specific duty, which is now admitted to be equal to fifty per cent. And this he calls a fair revenue duty. Will the gentleman lay his hand on his heart, and say he intends by this proposition to raise a dollar of revenue, or that he believes it will have that effect? Is not his whole and sole object to secure to the cotton grower the exclusive possession of the home market? And what is that but protection? Does any friend of manufactures ask for any thing more? Do not the manufacturers seek after the same thing? He would repeat what the gentleman from Massachusetts [Mr. DAVIS] yesterday said, that gentlemen must not think to mislead us by names, and get protection under one appellation, and then deny the same thing to others by changing its name.

Mr. V. said he must be permitted to say to his friend from Massachusetts, [Mr. EVERETT,] that he was a better and meeker man than himself. He [Mr. V.] would not consent to hold up the shield of protection to those who persisted in dealing out blows upon his constituents. He had heard that gentleman on other occasions describe to this House, with great effect, what the protective policy had done; the towns and villages it had called into being; the thousands of looms and spindles it had put in motion; the millions of capital it had invited into investment, giving bread and employment to thousands of people. His heart had sickened within him at the recital of these things, which ought to excite no other emotion than pride in an American bosom. He must be permitted to say to the gentleman that the signs of the times admonish us that the day is not far off when they who will not consent to save themselves will find the magnanimity of others will fail them. He [Mr. V.] denied that he acted on the principle of retaliation. He said, if a blow was given him, and he struck back again, he called that self-defence; and if the return blow was a little the hardest, he did not know that he should give himself much trouble about that. He stood there to protect his constituents; and if their interests were unreasonably and unjustly assailed by any other interest, he would expostulate and reason the case with the assailants, as had been done with the opponents of domestic industry. When reason and expostulation failed, he would, in the last resort, lay them by the heels who attempted to lay his constituents by the heels. He wholly disclaimed all retaliation and vindictive feelings; but he should vote to make cotton free of duty, in sorrow and sadness, such as he should feel on administering calomel to a bilious patient, with the hope it would in time restore him to health. For, until the delusion now prevalent at the South, that it experiences nothing but injury from the protective policy, is removed, the country will be agitated, and no branch of industry dependent upon that protection can enjoy a moment's safety or repose.

Mr. BARRINGER admitted that, though the proposed duty on cotton was laid for revenue, it might operate incidentally as protection.

Mr. H. EVERETT said that, having yesterday, with only two or three of his tariff friends, voted against the amendment, he desired to state the reason of that vote, and of the one he should now give. His individual opinion was then, and he had not changed it, that the duty proposed was not only a protection, but a valuable, if not a necessary protection to the cotton planters. The gentleman from North Carolina [Mr. BARRINGER] seemed to take it for granted that it was only a revenue duty—a duty of twenty per cent. It is true that, on cotton costing ten cents per pound, it was only a duty of twenty per cent.; but on the foreign cotton, which would come in competition with the upland, costing four cents, it is a duty of fifty per cent. This was in fact prohibition on this article, not a revenue duty. Though his private opinion was that this was a protection important to the interests of the South, yet he found it was in opposition to that of the cotton planters in general. They were very ably represented in the Committee of Ways and Means, by a gentleman from Georgia, [Mr. WILDE.] That gentleman had concurred in the bill making raw cotton duty free. The votes of the South, in Committee of the Whole and in the House, were, with few exceptions, against the

amendment. Under these circumstances, he felt himself justified in yielding his own opinion to the better judgment of those more immediately interested. Should the manufacturers of cotton of the North, with the same unanimity, oppose protecting duties on their manufactures, would they be imposed, and by Southern votes?

Mr. CLAY, of Alabama, said he had originally voted with the Southern gentlemen against this duty. Had the bill simply remained a revenue bill, he would not have objected if cotton had been made free. But the bill had been entirely changed, and a duty on this article was as proper as on any other. As cotton could be brought into the country from abroad and sold at five cents a pound, he was willing to have a duty of fifteen per cent. ad valorem, not as a protection, but as a continuation of a duty already laid in the act of 1816. He was not disposed to repeal the duty heretofore existing, as it was continued on other articles. To give an opportunity for voting for the ad valorem duty, he would vote for the reconsideration.

Mr. CAMBRELENG said there was such difference between principles professed and determinations avowed, on this subject, that if the debate continued much longer gentlemen would not know what side they were on. He himself was opposed to the duty, and in favor of reconsideration.

Some further discussion followed on the part of Messrs. E. EVERETT, DAVIS, of Mass., WICKLIFFE, and BULLARD; several of them referring to the general impression or understanding that the bill could not pass in its present shape, whatever decision might take place on this particular feature of it.

Mr. STEWART said that this discussion on the protection of the great cotton interest seemed to excite great uneasiness in a certain quarter. Gentlemen evinced great impatience for the question. Why this fluttering? Were gentlemen apprehensive that the people of the South would discover that they too had a vital interest in the tariff, now secure under a protecting duty of 75 per cent.? He was glad to see the war carried for once into the enemy's country: he rejoiced that an opportunity had been afforded by this debate, of letting the Southern people see that there were two sides to this question; that they were not less interested in the protecting system than those of the North. The war had been waged in the North long enough. He was glad to see it now carried south of the Potomac, where the doctrines of "free trade" were so eloquently maintained when applied to Northern labor; but when it is proposed to apply them to the cotton and tobacco of the South, they become all at once the most abominable doctrines in the world. You gore our ox, "that alters the case," and instead of "free trade," we have just heard from gentlemen, who, yesterday, denounced the tariff as an abomination, some of the soundest tariff arguments he had ever heard on that floor. The gentleman from North Carolina, [Mr. Barringer,] (always opposed to the tariff,) has just told us that the reduction of the duty on cotton would be giving a bounty to that amount, to induce foreigners to import their cheap cotton into our markets, to the great damage and injury of the labor employed in growing cotton in our own country. True, perfectly true; and does not this argument apply with equal force when applied to wool, iron, hats, shoes, and every thing else? If you reduce the duties on these, do you not thereby give a bounty to the foreigner to import cheap wool, iron, hats, &c., to the injury of those now employed in their production and manufacture here? This could not be denied: the only difference was that the one was produced in the South, and the other in the North. The difference of *meum* and *tuum*. This difference of mine and yours often brought many to opposite conclusions. The gentleman has further told us, that, owing to the great difference in the price of labor in Mexico, Brazil, the Indies, and other cotton-growing countries, it will be impossible to maintain the competition without greatly depressing Southern labor; and we have been told that considerable quantities of low-priced cotton are, in fact, now imported into this country, paying a duty of three cents a pound, equal to 75 or 80 per cent.; take off this duty, and we are told our factories will be supplied with the cheap cotton of South America.

Mr. S. said he believed these opinions were well founded, and he should be sorry to see it; but whose fault would it be? Did not Southern gentlemen bring this destruction on their own people? Was it not the effect of their own measures and their own principles? Undoubtedly: and the people, even in the South, would soon, he trusted, cast off this delusion, and awake to a sense of their true interest. He believed the time was not distant when Virginia, and the whole South, would become decided tariff States. But another gentleman from South Carolina [Mr. McDuffie] tells us he wishes a duty on cotton for revenue—a revenue duty! What! raise revenue by the importation of foreign cotton! This was most extraordinary. He had all along understood that we were reducing the tariff to get rid of revenue; that the treasury was suffering from plethora; but now we are told we want a duty on cotton, not to reduce, but to raise revenue! But another gentleman from South Carolina [Mr. Blair] admits that it is a protecting duty, but says, this duty is of such ancient date, that it would be monstrous to reduce it now. The cotton growers have a right to protection by prescription: and he concluded by saying that he pleaded the statute of limitation against the reduction of the duty on cotton. To this, perhaps, the wool and hemp growers, and cotton manufacturers, might reply, that cotton had enjoyed protection long enough; that it had now acquired strength under the fostering care of Government, to go forth and defend itself; and that the time had now come when other interests should experience similar favors.

But, Mr. S. said, he had risen not so much to engage in this debate as to explain, in a few words, the motives of his own vote. He should vote to reconsider. He had not been aware of the ad valorem amount of the duty of three cents on cotton; on many descriptions of cotton it had been stated to be 70 or 80 per cent. Cotton, it must be remembered, is a raw material, and it was a sound principle of political economy that the duties on the raw material should never exceed the duty on the manufactured article. Now it is proposed to reduce the duty by this bill on cotton manufactures to 20 per cent. He should, therefore, vote to reduce the duty on cotton also to 20 per cent. If gentlemen would consent to give a higher duty on the manufactures of cotton, he would vote a corresponding duty on the raw material. To put a high duty on the raw material, whether wool, iron, cotton, or any thing else, and a low duty on the manufactured article, was making it the obvious interest of the foreigner to work up the raw material, and import it in a manufactured condition under low duties, thus compelling our people not only to pay for the raw material, but also for the labor and its subsistence, thereby depriving our own industry of employment, and our own farmers of a home market for their produce. We have been told, said Mr. S., that a certain description of cotton was sold in the foreign market for three and four cents per pound. If it cost three and a half, it might be imported for four, but it had to pay three cents duty, which made it cost the manufacturer seven cents; this amount they, of course, were compelled to pay the Southern planter for similar cotton; but if this three cents were taken off, then the foreign cotton could be bought for four cents, and the Southern planter would be compelled to sell the same for four cents instead of seven, or lose the market. Thus this duty of three cents enabled the Southern cotton grower to sell his cot-

ton to the American manufacturer 75 per cent. higher than he could if the duty was repealed. This was obvious. It was too plain to admit of dispute. Yet we are told that they have no interest in the tariff policy! He was glad this debate had opened gentlemen's eyes and the people's eyes to the true state of the case. Was it right to tax the manufacturer with a duty of 75 per cent. on the raw cotton, while the producers of this cotton refuse to give the cotton manufacturer any protection whatever? Did gentlemen expect to get all and give nothing? No! they must give and take. If they will destroy our industry by withdrawing protection, they must expect theirs to fall in turn. We are willing to do as we would be done by. If the protection on manufactures is to be reduced to 20 per cent. let cotton come down to the same. If they will give more to manufacturers, he would give more to cotton. This was the rule which should govern his vote. He would prefer leaving the duty on cotton open until the rate of duty on manufactures of cotton was first determined, and then the House could regulate the duty on cotton by this standard. He, for one, would never consent to fix a higher rate of duty on the raw material than was granted to the manufactured article. This he considered a sound principle of legislation, and he would be glad to see it introduced as a permanent provision in every tariff, that the manufactured article should in no case have a lower rate of protection than was granted to the raw material. Otherwise, it was made the interest of the foreigner to import the raw material in a manufactured condition, to the prejudice of the agricultural and manufacturing industry of our own country.

The question was then put on the motion to reconsider, and was carried in the affirmative: Yeas 92, nays 77, as follows:

YEAS—Messrs. Alexander, Robert Allen, Anderson, Angel, Ashley, Babcock, Noyes Barber, Barnwell, Barstow, Isaac C. Bates, Bell, Bouck, Bouldin, John C. Brodhead, Cambreleng, Chinn, Clay, Clayton, Lewis Condict, Connor, Eleutheros Cooke, Coulter, Davenport, John Davis, Dearborn, Dickson, Doubleday, Draper, Horace Everett, Ford, Foster, Gilmore, Gordon, Grennell, Griffin, Thomas H. Hall, William Hall, Hawkins, Hodges, Hoffman, Hogan, Holland, Horn, Hughes, Ihrie, Jarvis, Richard M. Johnson, Cave Johnson, Kavanagh, Kennon, Adam King, Lamar, Lansing, Lecompte, Lewis, Mardis, Mason, William McCoy, McDuffie, McIntire, Newnan, Nuckolls, Patton, Franklin E. Plummer, Polk, Potts, John Reed, Edward C. Reed, Rencher, Roane, William B. Shepard, Smith, Soule, Stewart, Storrs, Sutherland, Taylor, Wiley Thompson, Verplanck, Vinton, Ward, Wardwell, Watmough, Wayne, Elisha Whittlesey, Frederick Whittlesey, Campbell P. White, Wickliffe, Wilde, Williams, Worthington, Young—92.

NAYS—Messrs. Adams, Allison, Archer, Banks, Barringer, Beardsley, James Blair, John Blair, Briggs, John Brodhead, Bucher, Bullard, Burd, Chandler, Claiborne, Bates Cooke, Cooper, Corwin, Craig, Crawford, Creighton, Dayan, Denny, Dewart, Edward Everett, Findlay, Fitzgerald, Hiland Hall, Harper, Hiester, Howard, Hubbard, Ingersoll, Irvin, Isacks, Jenifer, Jewett, Joseph Johnson, Kendall, Henry King, Leavitt, Letcher, Lyon, Mann, Marshall, Maxwell, McCarty, Robert McCoy, McKay, McKennan, Mitchell, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Root, Russel, Semmes, Sewall, Slade, Southard, Speight, Spence, Standifer, Philemon Thomas, John Thomson, Tompkins, Tracy, Vance, Washington, Weeks, Wilkin, Wheeler, Edward D. White—77.

The question then, of course, recurring on concurring with the Committee of the Whole in the specific duty of two cents a pound on raw cotton, Mr. WICKLIFFE moved to strike out this duty, and insert a duty of fifteen per cent. ad valorem.

Mr. ISACKS suggested to the mover the expediency of making the duty twenty per cent.

Mr. ARNOLD also preferred twenty per cent, and made some remarks to show the propriety of protecting the cotton product against the importation of the foreign staple.

The debate was now renewed, and continued for some time, by Messrs. McDUFFIE, DAVIS, of Massachusetts, TAYLOR, E. EVERETT, WICKLIFFE, CLAY, REED, of Massachusetts, ADAMS, BATES, of Massachusetts, and COKE; and, the question being taken, the motion to insert a duty of twenty per cent. was negatived: Yeas 60, nays 104, as follows:

YEAS—Messrs. Heman Allen, Angel, Archer, Barringer, James Bates, Bethune, John Blair, Bouldin, Branch, Carr, Chinn, Claiborne, Clay, Clayton, Lewis Condict, Connor, Coulter, Craig, Crane, Davenport, Doubleday, Draper, Ellsworth, Foster, Gilmore, Gordon, Hogan, Horn, Isacks, Richard M. Johnson, Cave Johnson, Kavanagh, Lyon, Mason, William McCoy, McKay, Mitchell, Newnan, Patton, Pitcher, Polk, John Reed, Rencher, Roane, Augustine H. Shepperd, Smith, Soule, Southard, Standifer, Stewart, Sutherland, Francis Thomas, Wiley Thompson, Verplanck, Ward, Wayne, Wilkin, Wickliffe, Wilde, Williams—60.

NAYS—Messrs. Adams, Alexander, Chilton Allan, Allison, Anderson, Arnold, Ashley, Babcock, Banks, Noyes Barber, Barstow, Bergen, James Blair, Bouck, Briggs, John Brodhead, John C. Brodhead, Bucher, Bullard, Burd, Cambreleng, Carson, Chandler, Coke, Silas Condit, Eleutheros Cooke, Bates Cooke, Cooper, Corwin, Crawford, Creighton, Dearborn, Denny, Dewart, Dickson, Joshua Evans, Edward Everett, Horace Everett, Findlay, Fitzgerald, Ford, Grennell, Griffin, Thomas H. Hall, William Hall, Hiland Hall, Harper, Hawes, Hawkins, Hiester, Hodges, Hoffman, Howard, Hubbard, Hughes, Ihrie, Ingersoll, Irvin, Jarvis, Jenifer, Joseph Johnson, Kendall, John King, Henry King, Lamar, Leavitt, Lecompte, Lewis, Mann, Mardis, Marshall, McCarty, Robert McCoy, McDuffie, McIntire, McKennan, Muhlenberg, Nelson, Newton, Nuckolls, Pearce, Pendleton, Plummer, Potts, Edward C. Reed, Root, Russel, Semmes, Slade, Speight, Spence, Taylor, Philemon Thomas, John Thomson, Tracy, Vinton, Wardwell, Washington, Watmough, Wheeler, Elisha Whittlesey, Edward D. White, Worthington, Young—104.

Mr. McDUFFIE then moved, instead of the proposed specific duty of two cents, a duty of fifteen per cent., which was decided in the negative—Yeas 71, nays 87, as follows:

YEAS—Messrs. Alexander, Anderson, Angel, Archer, Barnwell, James Bates, Bell, Bergen, Bethune, John Blair, Bouck, Bouldin, John C. Brodhead, Cambreleng, Chinn, Claiborne, Clay, Clayton, Coke, Lewis Condict, Connor, Eleutheros Cooke, Coulter, Craig, Crane, Davenport, Dearborn, Doubleday, Draper, Ellsworth, Felder, Ford, Foster, Gilmore, Gordon, Griffin, Hawes, Holland, Horn, Jarvis, Richard M. Johnson, Joseph Johnson, Lamar, Lewis, Mason, William McCoy, McDuffie, McIntire, McKay, Mitchell, Newnan, Nuckolls, Patton, Plummer, Polk, Edward C. Reed, Rencher, Roane, William B. Shepard, Augustine H. Shepperd, Soule, Speight, Sutherland, Wiley Thompson, Verplanck, Ward, Wayne, Elisha Whittlesey, Wickliffe, Wilde, Williams—71.

NAYS—Messrs. Adams, Heman Allen, Allison, Arnold, Ashley, Babcock, Banks, Barringer, Barstow, James Blair, Briggs, John Brodhead, Bucher, Bullard, Burd, Carr, Chandler, Silas Condit, Bates Cooke, Cooper, Corwin, Crawford, Creighton, Denny, Dewart, Dickson, Joshua Evans, Edward Everett, Horace Everett, Findlay, Fitzgerald, Grennell, Thomas H. Hall, William Hall, Hiland Hall, Harper, Hawkins, Hiester, Hodges, Hoffman, Howard, Hubbard, Huntington, Ihrie, Ingersoll, Irvin, Isacks, Jenifer, Kendall, John King, Henry King,

Leavitt, Lecompte, Lyon, Mann, Mardis, Marshall, Robert McCoy, McKennan, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pitcher, Potts, John Reed, Russel, Sewall, Slade, Smith, Southard, Spence, Standifer, Taylor, Philemon Thomas, John Thomson, Tracy, Vinton, Washington, Watmough, Wilkin, Wheeler, Frederick Whittlesey, Edward D. White, Worthington, Young—87.

The question then recurred on concurring with the Committee of the Whole in inserting a duty of two cents a pound on foreign cotton wool, and was decided in the negative: Yeas 80, nays 81, as follows:

YEAS—Messrs. Adams, Heman Allen, Allison, Arnold, Ashley, Banks, Barringer, James Bates, Bethune, James Blair, John Blair, Briggs, John Brodhead, John C. Brodhead, Bucher, Bullard, Burd, Carr, Chandler, Claiborne, Silas Condit, Connor, Bates Cooke, Cooper, Corwin, Craig, Crawford, Creighton, Denny, Dewart, Draper, Joshua Evans, Edward Everett, Findlay, Ford, William Hall, Hiland Hall, Harper, Hiester, Hodges, Hubbard, Ingersoll, Irvin, Isacks, Jenifer, Jewett, Richard M. Johnson, John King, Lansing, Leavitt, Lyon, Mann, Marshall, Robert McCoy, McKay, McKennan, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Rencher, Russel, Augustine H. Shepperd, Slade, Smith, Southard, Spence, Standifer, Sutherland, Philemon Thomas, John Thomson, Tracy, Ward, Washington, Watmough, Wheeler, Edward D. White—80.

NAYS—Messrs. Alexander, Anderson, Angel, Archer, Babcock, Noyes Barber, Barnwell, Barstow, Isaac C. Bates, Bell, Bergen, Bouck, Bouldin, Cambreleng, Chinn, Clay, Clayton, Coke, Eleutheros Cooke, Coulter, Crane, Davenport, John Davis, Dearborn, Dickson, Doubleday, Ellsworth, Horace Everett, Felder, Fitzgerald, Foster, Gilmore, Gordon, Grennell, Griffin, Thomas H. Hall, Hawes, Hawkins, Hoffman, Hogan, Holland, Horn, Hughes, Ihrie, Jarvis, Joseph Johnson, Kendall, Henry King, Lamar, Lecompte, Lewis, Mardis, Mason, McDuffie, McIntire, Mitchell, Newnan, Nuckolls, Patton, Plummer, Polk, Potts, John Reed, Edward C. Reed, Roane, Sewall, Soule, Speight, Storrs, Taylor, Wiley Thompson, Verplanck, Vinton, Wardwell, Wayne, Elisha Whittlesey, Frederick Whittlesey, Wickliffe, Wilde, Worthington, Young—81.

So the House refused to concur in the amendment imposing a duty of two cents a pound on cotton; and

The House adjourned.

THURSDAY, FEBRUARY 21.

FRONTIER DEFENCE.

The bill making further provision for the defence of the frontiers coming up for consideration, and the question being on an amendment offered to it, in committee, by Mr. ASHLEY, going to create a difference of pay between mounted men and foot soldiers, it was opposed by Mr. WATMOUGH, and Mr. THOMAS, of Louisiana; when, on motion of Mr. R. M. JOHNSON, (who had reported the bill,) the bill was, for the present, laid upon the table.

REVENUE COLLECTION BILL.

Mr. BELL asked that the bill from the Senate, to enforce the collection of the revenue, now on the Speaker's table, be ordered to be printed for the use of members.

Mr. WILDE objecting, and the orders of the day being called,

Mr. BELL moved to suspend the orders of the day, to allow him to make the motion he had indicated.

Mr. LAMAR demanded the yeas and nays.

Mr. HUNTINGTON, Mr. ELLSWORTH, Mr. SUTHERLAND, Mr. WILDE, Mr. WAYNE, and Mr. CLAYTON addressed the Chair on the questions which arose relating to the order of business.

The question on suspending the orders of the day, in order to consider the bill from the Senate, was then taken by yeas and nays—Yeas 115, nays 63.

The required vote of two-thirds of the members present not having sustained the motion, the House refused to suspend the rule.

Mr. BELL then asked the unanimous consent of the House to have the bill printed.

Objections being made, however, Mr. SPEIGHT moved to postpone the special order (Mr. VERPLANCK's tariff bill) until to-morrow.

Mr. WICKLIFFE opposed the motion. The mover had avowed it to be his object, in making this motion, to get at the Senate's enforcing bill upon a motion to print it. The whole object of this movement was obvious. It required little penetration and little reflection to discover that the end and object of the motion was to give a quietus to the tariff bill for the residue of the session.

Mr. SPEIGHT here interposed, and disclaimed any such purpose as the gentleman imputed to him. His sole object had been to get the Senate's bill printed, and laid on the tables of members.

Mr. WICKLIFFE said he had no objection to the printing of the bill; and what he had said had had no personal reference to the mover, but to the effect of his motion. It was evidently the intention of a majority in that House to give the tariff bill the go-by; if the majority would disclaim any such object, Mr. W. would withdraw all opposition to the motion. But he believed that the avowed, the declared object of the motion was to put off the further discussion of the bill to reduce the tariff, and take up the bill which had produced so much debate and excitement elsewhere. [In the Senate.] Mr. W. regretted that such a motion should have proceeded from a quarter of the country which, through its representative on that floor, had complained loudly of the utter inexpediency, oppressiveness, and unconstitutionality of the tariff laws. Did any gentleman, could any gentleman expect, that if the Senate's bill once became the subject of discussion, the House would return to the bill now before it? He would appeal to gentlemen, he would appeal to the gentleman from North Carolina, who had made this motion, whether he believed, should the House get at the other bill in any stage, at its first, or second, or third reading, there could be the faintest hope that they would reach the tariff bill again this session. The gentleman might hope it, but as surely as he drew the breath of life he would find himself disappointed.

Mr. W. said he felt deep anxiety on this subject. He had witnessed, not without pain, the slow progress of the House toward the adjustment of this question for the last two or three weeks.

Several voices here called to order, and the CHAIR admonished Mr. W. that the question being simply on a motion to postpone, he must confine his remarks to that point alone.

Mr. W. insisted that the motion involved the previous course of the House in respect to the bill which it was proposed to postpone. He trusted before the House would lay aside the subject before them to take up a bill which went to throw a firebrand into the country, and to produce a state of things that must end in the excitement of lasting discord among the States of this Union—

Mr. CAMBRELENG here called Mr. W. to order.

The CHAIR said it was not in order to enter on the merits of a bill not before the House.

Mr. W. inquired whether it was not in order to show the importance of acting on the tariff first, before taking up that bill. If the House should determine to pass a bill reducing the tariff, did any man imagine that such a bill as that from the Senate could ever pass in that House?

The CHAIR again reminded Mr. WICKLIFFE that it was not in order to advert to the character or fate of a bill not before the House.

[Mr. ARNOLD here reminded the CHAIR of a decision some time since, in a case which he considered strictly parallel, that all discussion on a motion to postpone the orders of the day was out of order.]

[The SPEAKER understood the case to be different.]

Mr. WICKLIFFE resumed. When interrupted, he had been presenting reasons why the House ought not to postpone the consideration of the bill which they had had so long before them. It was admitted that the bill had occupied a vast length of time, and the universal expectation of the country was that the House would, after so long a time, come to some prompt, decided, (and he would add,) patriotic action upon that bill. To postpone its consideration, would be to disappoint this just expectation. For the last five or six days the House seemed to have let go its hold upon the bill; its friends had relaxed their grasp upon it almost entirely. Mr. W. well remembered that at a certain time after this bill had been made the special order of the day, a member could scarce get leave to offer an ordinary resolution—the cry of the tariff bill was instantly raised—nothing must impede it even for a moment; and none had been louder or more strenuous in this cry than the gentleman from North Carolina, [Mr. SPEIGHT.] And yet now, when the bill had come out of committee, and the House seemed just upon the point of coming to a vote upon ordering it to a third reading, and when the gentleman from Virginia [Mr. BOULDIN] had apprised the House that if it should not pass, he had a substitute to offer, which would, as he hoped, enlist the suffrages of a majority of the House—now, it was proposed to give the whole subject the go-by! Gentlemen must not think to deceive themselves or their constituents. If the motion should succeed, they would hear nothing more of the tariff bill this session; it would be equivalent to an indefinite postponement of it.

If it should be found, after every effort, that they could not agree upon a bill which would give quietness and contentment to the country, why it could not be helped. But he hoped gentlemen would come and sit with him till the lamps expired in that hall, to try if they could not pass some bill that would prevent consequences such as must be deeply deprecated by every patriot. He trusted, he entreated that every expedient would first be tried, every effort exhausted, to prevent what might lead to consequences that must long be lamented by all who loved their country.

Mr. SPEIGHT denied that it had been his wish or purpose to give the tariff bill the go-by. He was of the same opinion, in respect to the necessity of passing that bill, that he had been at the first. His opinions in respect to the tariff had in nowise changed. He held it to be unjust, oppressive, and unconstitutional. His whole conduct had been such as clearly to show that he was willing to pass a bill to reduce it. The gentleman from Kentucky [Mr. WICKLIFFE] got up and talked to him about throwing firebrands! He had made his motion with a view, simply, of giving some disposition to a bill sent down by the Senate. However, as the motion seemed to create so much disturbance, he would withdraw it; and Mr. S. withdrew it accordingly.

Mr. IRVIN renewed the motion.

Mr. WAYNE demanded the previous question.

The CHAIR decided that the previous question would not apply to a motion to postpone.

Mr. WAYNE expressed some astonishment, but submitted to the decision.

Mr. IRVIN said he had renewed the motion because he was anxious that the Senate's bill should be printed, and that it should be settled on what day it was to receive the action of the House.

Mr. WAYNE again inquired whether his motion for the previous question was not in order.

The CHAIR repeated its former decision.

Mr. IRVIN said he regretted to witness, on this occasion, such feelings as had been evinced by the gentleman from Kentucky, and he felt fully convinced that language of the kind the gentleman had thought fit to use, would have no operation on the course of members in that House. He could assure the gentleman it would have none upon his own. He trusted the House would act from no excited feeling, but from a deliberate and dispassionate judgment of what its duty required.

Mr. DANIEL said that he understood the motion to be to postpone the consideration of the tariff bill until to-morrow, without reference to any object whatever in view, and that nobody must even allude to what was to follow. He should endeavor to conform to order, and then the field left was quite wide enough for a discussion that would occupy the balance of the session. Mr. D. said that he was now fully satisfied that it never had been the intention of some gentlemen, who had professed themselves to be very anxious to settle the tariff question, that any bill should pass the House on that question. He was convinced of it. It was conclusively testified. Their conduct proved it, and no man could doubt it. Here the House had been laboring under a recommendation of the President, for weeks and weeks past, to settle an all-important subject, which, if left unsettled, must jeopardize the safety of the Union; and now what did they hear to-day? He heard a motion made, without any reason assigned, that the daily special order for the consideration of the tariff should be postponed until to-morrow. What was to follow that motion, no mortal dare to know, nor was it in order so much as to hint at it. One thing, however, was certain. The object of the motion was to defeat the tariff bill, and to let some other business, which nobody must talk about, take precedence. This was clearly the object of the motion. And why must not the House dispose of its special order? Was not the tariff bill as important? Surely it was. In his judgment, it was the most important measure that had ever come before the American Congress; for on it might depend the permanence, and the very existence of the Union. Why must it be postponed? The House had only seven or eight business days remaining. Would gentlemen come out and say plainly that they were determined to pass no tariff bill at all? That they were not anxious to give quiet to the country? Was he so to understand gentlemen? It would seem so. A gentleman from the Southern section of the Union now came forward and demanded the previous question. It was an extraordinary—a most extraordinary course. What, was the gag law to be enforced upon them so early?

Mr. CRAIG here called Mr. DANIEL to order.

Mr. DANIEL. To order? How am I out of order?

Mr. CRAIG insisted that the rules of the House should be applied as rigidly to the gentleman from Kentucky as they had been to himself.

Mr. DANIEL. Oh! that is right; very right. But how am I out of order?

Mr. CRAIG said that a reference to the gag law was no more in order than a reference to the bill from the Senate.

Mr. DANIEL. I am much obliged to the gentleman, much obliged, indeed. The gentleman is very polite. I never take any umbrage at what that gentleman says, either here or elsewhere. But I had no allusion to the gentleman at all.

Mr. WAYNE. Did the gentleman allude to me?

Mr. DANIEL. Yes, I did allude to you.

Mr. WAYNE. Then I call the gentleman to order. I understand him to allude to the decision of the Chair that my motion for the previous question was not in or-

der; and I want to know whether it is in order for him to allude to it in a manner calculated to misrepresent me to the public.

The CHAIR said that personal allusions were not in order.

Mr. DANIEL said he had no desire to be out of order; it was not his purpose. He meant to keep himself in order, and he should try to do so. He was an orderly man. But he thought it was an extraordinary attempt to stifle investigation on a subject so important as this. He meant to pursue the rules of order rigidly. The field was wide enough. He had a right to discuss the motion to postpone, and he had a right to complain of any gentleman who pretended to be in favor of reducing the tariff, and yet attempted to stifle investigation.

The CHAIR here called Mr. Daniel to order.

Mr. DANIEL. What! Cannot I apologize? Well! if I cannot apologize, I do not know how I am to keep myself in order.

Mr. WAYNE here rose to explain, when

Mr. DANIEL called him to order. He insisted that the delay of the tariff bill was justly chargeable to those who, while they professed to be anxious to settle the tariff question, never had in fact desired any such thing. That was not the gentlemen's object. They had a far higher object in view; they were engaged in President making: and to that end it was necessary to hang up this tariff bill, and keep the subject still unsettled before the people. The edict had gone forth. A gentleman was in another part of that hall, who had expressly proclaimed that the question should not be settled because his President was not elected.

The CHAIR here called Mr. Daniel to order. It was not in order to refer to any thing that passed in the Senate.

Mr. DANIEL said he had not uttered a word about the Senate. He had spoken of a gentleman in that hall: he had said nothing about the Senate. If the bill was to be defeated, let the responsibility rest where it ought to rest, on the shoulders of those who were endeavoring to prevent its passage, while they professed to be its friends —who were doing all they could to put the country into civil war.

Mr. FOSTER remonstrated against the consumption of precious time. He understood the gentleman from Ohio [Mr. Irvin] was ready to withdraw his motion to postpone, if gentlemen would withdraw their opposition to the printing of the Senate's bill. He conjured gentlemen to put an end to this debate: let the order for the printing be passed, and then let the House return to the consideration of the tariff. He concluded by asking the unanimous consent of the House to move for the printing of the bill from the Senate.

Mr. ARNOLD objected.

Mr. IRVIN withdrew his motion to postpone.

Mr. FOSTER again asked consent to make his motion.

Mr. ARNOLD again objected.

Mr. FOSTER then moved to suspend the rule.

Mr. ARNOLD demanded the yeas and nays on suspending.

The House refused to order them.

The question being thereupon put, the rule was suspended.

Mr. FOSTER now moved that the bill from the Senate, to enforce the execution of the revenue laws, be printed.

Mr. ARNOLD said, if the House intended to act on the Senate's bill at all, it must be manifest to all that it was necessary to make some disposition of it without delay.

The CHAIR said that no such motion could be in order at present.

Mr. ELLSWORTH suggested that the best course would be to take a question on printing the bill, and then to move successively to postpone the remaining orders before the House until they arrived at the Senate's bill.

Mr. DICKSON now moved to postpone the special order of the day (Mr. Verplanck's bill) till to-morrow, for the purpose of disposing of the bill from the Senate, to enforce the collection of the revenue.

Mr. WAYNE moved to lay that motion on the table.

The CHAIR pronounced Mr. Wayne's motion not to be in order.

Mr. DICKSON demanded the yeas and nays on the motion he had made, and they were ordered by the House.

Mr. CLAY suggested that to-morrow had been set apart for business relating to the District of Columbia.

Mr. CAMBRELENG opposed the motion of Mr. Dickson, and hoped that the gentleman from Kentucky [Mr. Wickliffe] would carry out the zeal which he had manifested for having the tariff question settled first.

Mr. ELLSWORTH said that, unless the House fixed upon some day of the six business days left them for the consideration of the Senate's bill, it could not come up at all. To refuse to fix a day to consider it, would be equivalent to declaring that they would not consider it at all. He hoped a majority of the House would proceed to postpone every bill until that bill should be reached.

Mr. BELL suggested that the Senate bill would be disposed of to-morrow at any rate. It could not surely be very important to dispose of it to-day in preference. He therefore hoped that the gentleman from New York [Mr. Dickson] would consent to withdraw his motion, and suffer the House to manifest its will on the bill now before it.

Mr. ELLSWORTH said the gentleman was mistaken in supposing that the Senate bill would be reached to-morrow. There were bills enough before it to occupy the mornings of four or five days. Why not give the bill some disposition now?

[Mr. BOULDIN here made some observations, which are necessarily deferred.]

Mr. THOMPSON, of Georgia, said that he did not intend to detain the House, but his feelings were such at this moment as constrained him to ask the House to pause. The proposition was to postpone the special order—till when? It was said, until to-morrow; but should the motion prevail, the postponement would be to the end of the session. Could any gentleman believe otherwise? The gentleman from Connecticut [Mr. Ellsworth] had remonstrated against wasting the little time now remaining. If he was not mistaken, that gentleman himself had done at least his share towards consuming the time of the House. He knew that it was not in order to advert to the bill intended to be gotten up by this motion, but he was certainly permitted to suppose what would be the consequence of postponing. Could gentlemen persuade themselves that the American people would not feel disappointed? Had not their voice called upon Congress finally to adjust this long vexed question? Should the motion prevail, it would be immediately followed by another, for taking up a subject of a different complexion. The South had long been petitioning Congress to be relieved from the burdens under which they were groaning. What must be the consequence, should Congress lay aside the bill for their relief, and take up a bill, the declared object of which was to enforce submission? When they asked for bread, to give them a stone, when they asked for a fish, to give them a serpent, he implored the House, in the name of God, and of his country, and by all the consequences which were suspended on its action, not to do such a deed. He would go down to its feet, and humble himself in the dust, if he could but prevail, if he could but induce them to have mercy upon our common country. There was a point beyond which human forbearance would not extend; a point where reason would yield to the dictates of deep and uncontrollable feeling.

Mr. BELL said that there was no need of pressing the point, as the gentleman from New York had withdrawn his motion.

Mr. DICKSON said the motion was not withdrawn.

Mr. SUTHERLAND observed that the gentleman from Georgia seemed to think the motion very alarming. Mr. S. could see nothing alarming in it. All his desire was to see a day fixed when the Senate's bill was to be taken up. It would not be pressed to-day or to-morrow. If gentlemen who were so very anxious for the tariff, instead of adjourning at three o'clock, would sit (as the gentleman from Kentucky had said) until the lamps went out, they might dispose of it in time to take up the other bill. The gentleman from Kentucky had himself to blame, that all the time of the present debate had been withdrawn from the consideration of the tariff. Mr. S. was ready to meet the yeas and nays, and, if possible, to settle the question that night.

Mr. ARCHER was opposed to fixing at this time upon any day for the consideration of the bill from the Senate; and for this reason, that many gentlemen who were in favor of the principles of that bill, would nevertheless vote against it, unless the House should first come to some determination as to the tariff question. Why, in fact, should any man give his vote for it, so long as a hope remained that the tariff question could be adjusted? It was only in case of the failure of one bill, that the other would become necessary. The friends of the bill, by pressing it now, would lose many votes. He hoped that this reason would prove conclusive.

Mr. CLAYTON here made some observations, a report of which was, unfortunately, not preserved.

Mr. ISACKS was for doing one thing at a time. He was for first trying to reduce the tariff. The moment it should be decided that this could not be done, he should be prepared to go into the other bill.

Mr. DICKSON now modified his motion, so as to make it for postponing the special orders until Saturday.

The yeas and nays were taken on the motion in this form, and decided as follows: Yeas 86, nays 99.

So the House refused to postpone.

The House then proceeded to the special order of the day, and again took up

THE TARIFF BILL.

The first question was on concurring with the Committee of the Whole on striking out a duty of fifteen cents a gallon on olive oil in casks, until the year 1834, and thereafter a duty of ten cents. This amendment was negatived: Yeas 80, nays 85, and the proposed duty of course retained in the bill.

The next question was on agreeing with the committee in inserting "on linseed, hempseed, and rapeseed oil, a duty of twenty-five cents a gallon." Mr. REED, of Massachusetts, moved to amend the amendment by including olive oil, and making the duty on all twenty cents a gallon. This amendment was supported by Messrs. REED, HUNTINGTON, DEARBORN, and PENDLETON; and was opposed by Messrs. CRAIG and CAMBRELENG.

Mr. POLK remonstrated against the consumption of time, and pressed the House to pass through the amendments, in order to get at the bill to be proposed by Mr. BOULDIN as a substitute.

The question being taken, the amendment proposed by Mr. REED was agreed to.

The question of concurring in the amendment, as thus amended, was then taken, and decided by yeas and nays as follows: Yeas 86, nays 75.

As the subject of coffee would be the next in order,

Mr. HUNTINGTON moved a call of the House. This being refused,

Mr. E. EVERETT moved to adjourn.

The motion was negatived by yeas and nays as follows: Yeas 71, nays 88.

Mr. WICKLIFFE moved for a suspension of the rule, in order to allow him an opportunity to move for a recess, but the motion was negatived.

The question then coming up on concurring in the next amendment reported from the Committee of the Whole, viz. to strike out the duty of one cent per pound on coffee,

Mr. CRAIG stated his reasons for supporting the amendment.

Mr. BATES, of Massachusetts, moved a call of the House; the motion prevailed, and the House was called accordingly; 182 members answered to their names, when further proceedings on the call were suspended.

The question on concurrence was then taken, and decided by yeas and nays as follows: Yeas 117, nays 57. So the House concurred.

The amendment striking out the duties on teas was then concurred in by yeas and nays as follows: Yeas 108, nays 63.

The House then adjourned.

FRIDAY, FEBRUARY 22.

SILK CULTURE.

Mr. ROOT offered the following resolution:

Resolved, That the Clerk of this House procure for the use of the members 2,000 copies of the manual on silk, published by J. H. Cobb, of Dedham, in the State of Massachusetts, provided the cost shall not exceed one thousand dollars.

Mr. CLAY, of Alabama, moved to lay it on the table.

Mr. ARNOLD demanded the yeas and nays, which being taken, stood as follows: Yeas 61, nays 74. So the House refused to lay the resolution upon the table.

Mr. ROOT said that Mr. Cobb, of Massachusetts, had sent in a memorial, praying for encouragement in a manufactory of silk, which he had established, and which, he was of opinion, might be, beneficially for the country, extended. His idea at first was to apply for a grant of land, for the encouragement of the growth and manufacture of the article, similar to those grants which had already been made for encouraging the growth of the vine and of the olive. He had accompanied his memorial with a copy of a book which had been published under the supervision of the Government of Massachusetts, which gave the history of the growth and manufacture of silk, from the incipient state of the worm, to the manufacture of the article into handkerchiefs and other articles. It also contained ample directions for the culture of the mulberry, and was illustrated with beautiful plates. The Committee on Agriculture, supposing that it might not be useful to apply for a grant of land, even if they should succeed in obtaining it, thought it better to confine the culture and manufacture to the lower part of the country; but they deemed that the printing and distribution of the book would be highly useful to the country at large; and they could not devise a better mode of distributing it, than by putting a number of copies into the hands of the members of Congress, who would judiciously distribute it in all parts of the nation. Mr. R. enlarged upon the value of the publication, particularly to the agricultural interest.

Mr. CLAY rose to reply, when

Mr. HOFFMAN rose, and announced to the House the decease of JAMES LENT, Jr., a member of the House of Representatives from the State of New York. After some appropriate remarks, Mr. H. submitted the following resolutions, which were unanimously adopted:

1. *Resolved*, That the members of this House will testify their respect for the memory of JAMES LENT, deceased, late a member of this House from the State of New

York, by wearing crape on the left arm for the remainder of the present session of Congress.

2. *Resolved*, That this House will attend the funeral of the late James Lent to-morrow, at eleven o'clock A. M. and that a committee be appointed to take order for, and to superintend, the said funeral.

3. *Resolved*, That a message be sent to the Senate, to notify that body of the death of James Lent, late a member of this House, and that his funeral will take place to-morrow, at eleven o'clock.

The House then adjourned.

Saturday, February 23.

After attending the funeral of the deceased member, Mr. Lent, the House, pursuant to adjournment, assembled at two o'clock; but no quorum appearing, a motion for adjournment prevailed, and

The House adjourned.

Monday, February 25.

The House proceeded to the consideration of the resolution reported from the Committee on Agriculture, on the 22d instant, directing the Clerk of this House to procure 2,000 copies of the manual on silk, published by J. H. Cobb, provided the cost shall not exceed one thousand dollars.

And after debate thereon, the question was then put, viz. Will the House agree to the said resolution? It was passed in the affirmative: Yeas 80, nays 75.

A message, in writing, was received from the President of the United States, by Mr. Donelson, his private Secretary, as follows:

Washington, *February* 22, 1833.

To the House of Representatives:

I transmit herewith, for the consideration of the House, a letter from General Lafayette to the Secretary of State, with the petition which came enclosed in it of the Countess d'Ambugeac and Madame de la Goree, granddaughters of Marshal Count Rochambeau, and original documents in support thereof, praying compensation for services rendered by the Count to the United States during the revolutionary war; together with translations of the same. And I transmit, with the same view, the petition of Messrs. de Fontenille de Jeaumont and de Rossignol Grandmont, praying compensation for services rendered by them to the United States in the French army, and during the same war, with original papers in support thereof; all received through the same channel, together with translations of the same.

ANDREW JACKSON.

The said message, with the petitions and papers accompanying the same, was referred to the Committee on Revolutionary Claims.

SOUTH CAROLINA.

The House then took up the following resolution, submitted by Mr. Davis, of South Carolina:

Resolved, That the President of the United States be requested to communicate to this House whatever evidence he may have received, that authorized the belief that the Government and people of South Carolina, or any portion of them, had at any time meditated or intended to seize the forts or property belonging to the United States.

Mr. DAVIS, of South Carolina, said he was desirous of giving a brief explanation of the object of the resolution, before the question should be put upon it. He had not introduced it with a view of imputing blame to the President, or to the Secretary of War, for the mode and manner of the publication of the orders. The publication had been made in obedience to a call from the Senate; this fact was borne upon the face of the document. He repeated, that no blame was ascribed by him on account of the private orders which had been given; but inasmuch as they had been made public, and as they convey an imputation on the State of South Carolina, he held it to be an incumbent duty, as one of her representatives, to meet the charge with a flat denial. The documents containing the imputation were now in the public archives; and it was therefore fit and proper that the proof should be challenged. He did not know whether the House recollected the precise language used on the occasion in the orders in question, but it was such language, he could assure them, as should not pass without a denial from him. It was imputed to the Government and people of South Carolina, that a design existed on their part of seizing the arsenal, the arms, the stores, the munitions, and the other property of the United States, within the limits of that State. The last order of the series went even further, and accused them of intentions still worse. It was charged that they contemplated crossing the boundary line which divides them from another State; of a design to pass the Savannah river, and plunder the United States arsenal in Savannah of its arms and ammunition.

Mr. D. asked if it could be expected of the representatives from South Carolina to be silent under such allegations. He called for the proof in these cases, and he appealed to the justice of the House to sustain him in the call. The President might or might not give the information required, or the House might or might not decide to call for it. He put it to them, however, whether it would be proper or just that such charges should pass unrefuted; and next, whether, when made, the proof to substantiate them should not be adduced. He denied the truth of the charge, from whatever source it had emanated: come from the highest public, or lowest private station, from what quarter it might, he would say in reply,

> "Highland or Lowland, Prince or Peer;
> Lord Angus, thou hast lied."

Mr. WAYNE thought there was already sufficient excitement in the House, without this addition to it. He saw nothing in these orders, which differed from the attitude in which South Carolina had placed herself by her ordinance, and her subsequent laws in pursuance of that ordinance. He disapproved of that ordinance, and of those laws, but it was not his intention to debate that question now: at a proper time he should, if necessary, express his sentiments upon it. He asked whether it was not proper, when a whole community was in a state of excitement, for a careful and prudent magistrate to take every precaution against danger. He restrained the expression of his feelings at present, and moved to lay the resolution on the table.

Mr. CARSON hoped he would not press the motion. It would be better to let the resolution take its course.

Mr. WAYNE declined to withdraw his proposition.

Mr. BEARDSLEY asked for the yeas and nays, which were ordered.

The yeas and nays were then taken, when the motion to lay on the table was carried: Yeas 109, nays 57.

WATERVLIET ARSENAL.

The House then resumed the consideration of the ordnance and engineer appropriation bill. The item appropriating $9,000 for the purchase of forty-five acres of land at the arsenal of Watervliet, New York, came up.

Mr. WICKLIFFE was against making the appropriation, unless he had evidence of the necessity for the purchase, and of the land being worth the money which was asked for it.

Mr. WARD, of New York, said that the subject had been before the Committee on Military Affairs three years ago, and the committee was then unanimously in favor of the report. The then Secretary of War, Mr. Eaton,

was then at the place, and recommended its purchase. The measure had had the sanction of two Secretaries of War, and of two Committees on Military Affairs. They had recommended it in good faith, and were deserving of the confidence of the House.

Mr. WICKLIFFE wished to know of what description the land was.

Mr. WARD replied that it was as fertile as any in the State of New York, and, being situate near the city, was highly valuable.

Mr. WICKLIFFE had no doubt, then, that it might be found very convenient to the officer in charge of the public store, to have the occupancy of a farm of forty-five acres, but he did not see the necessity of so large a piece of ground for the purpose of storing the public arms. There were other arsenals in the occupation of the Government: there was one at the city of Washington, which would contain more arms than the Government was likely ever to have occasion for. The land might be found to be convenient to the officer in charge of the arsenal, no doubt; and it might also be advantageous to the holder to find a good purchaser. It was sometimes found to be more convenient to sell to the Government than to individual purchasers.

Mr. WARD repeated that the additional purchase had been called for by the Secretary of War, not by any report, but from his own personal observation of the land. He stated that it was advantageously situated as a depository of arms, for the convenient supply of the western part of New York, and the Eastern States. If not purchased now, the land might, at a future time, cost more money.

Mr. TAYLOR, of New York, followed on the same side, and described the localities of the place.

Mr. DEARBORN said that, besides being a depot of arms, it was a large manufactory of muskets, powder, and other munitions of war, and observed that the sheds and workshops required much space. Besides, a village was growing up about it, which in a few years would become a flourishing town, and enhance the value of the land. He, therefore, thought the purchase ought to be made promptly.

Mr. WICKLIFFE was prepared to give his vote for the bill if he saw good reason for it. But, according to a map which he held in his hand, Government held about a hundred acres there already, and he was at a loss to perceive the necessity of a further purchase.

Mr. BELL here moved to lay the bill on the table, and all other bills before the Speaker, in order to dispose of the revenue collection bill from the Senate.

Mr. LEWIS demanded the yeas and nays; which were ordered and taken, and stood as follows: Yeas 95, nays 73.

So the bills were laid upon the table.

The hour of one having arrived,

Mr. WICKLIFFE moved that the House proceed to the special order of the day, (which is the tariff bill.)

Mr. BELL hoped the House would not do so until it had first disposed of the bill from the Senate.

Mr. BOULDIN moved a call of the House.

Mr. WICKLIFFE said that if the House proceeded to the order of the day, he hoped they would dispose of the amendments to the bill before it, when he should offer another bill to reduce the tariff, such as he hoped would unite the votes of a majority of the House.

Mr. BOULDIN withdrew his motion for a call.

Mr. WICKLIFFE then said that, as Mr. BELL opposed the execution of the special order, he would ask the yeas and nays upon his motion to execute it. They were ordered by the House, and being taken, stood as follows: Yeas 80, nays 106.

So the House refused to proceed to the order of the day.

Mr. VANCE moved to go into Committee of the Whole on the state of the Union, and take up the bill from the Senate on the subject of disposing of the proceeds of the public lands for a limited time.

The CHAIR decided that such a motion could not be made until the House had reached the orders of the day.

Mr. VANCE took an appeal.

The SPEAKER explained his decision, and Mr. VANCE the grounds of his appeal.

Mr. WICKLIFFE then suggested that the vote taken by yeas and nays, refusing to execute the special order of the day, was insufficient to prevent the taking up of that order; inasmuch as the rule to go into the special order every day at one o'clock, had been passed by two-thirds, it would require two-thirds to prevent it.

The SPEAKER said it was too late to make this question now, as other business was before the House.

Mr. DANIEL said he should insist on the same ground, and would take an appeal.

The CHAIR said there was already an appeal before the House.

Mr. VANCE, in order to have the question tried, withdrew his appeal.

Mr. DANIEL then appealed, and insisted that the special order should be executed.

The question of order was argued by Messrs. WICKLIFFE, CARSON, TAYLOR, THOMPSON, of Georgia, DANIEL, SUTHERLAND, and DEARBORN; after which,

Mr. DANIEL withdrew his appeal.

Mr. WILLIAMS now moved to postpone all the orders of the day which precede the bill from the Senate on disposing of the proceeds of the public lands.

Mr. CARSON inquired whether the tariff bill was included in the orders.

The CHAIR replied in the negative.

Mr. CARSON appealed from this decision.

The SPEAKER said no appeal could lie, as the motion was to postpone all the orders, whatever they might be.

Mr. WILLIAMS inquired whether two-thirds were necessary to postpone all the orders.

The CHAIR replied in the affirmative.

Mr. WILLIAMS then moved the postponement of each particular bill as they were announced in succession.

REVENUE COLLECTION BILL.

The House at length arrived at the Senate's bill further to enforce the collection of the revenue.

The bill was read a first time.

Mr. WHITTLESEY moved that it now have its second reading.

Mr. LEWIS moved to postpone the bill until to-morrow.

Mr. WILLIAMS moved to lay the bill on the table.

Mr. BOON asked the yeas and nays on the motion. They were ordered and taken, and stood as follows: Yeas 58, nays 125.

The bill then had its second reading.

Mr. CARSON moved to refer the bill to a Committee of the Whole on the state of the Union. He made this motion, because he thought that on a question of so much importance the fullest and freest discussion ought to be allowed. The present measure was of a similar character to one already reported upon by the Judiciary Committee of that House, and which had been consigned to the Committee of the Whole on the state of the Union; consistency, therefore, demanded that the bill before them should be referred to the same committee. If it went at once to the House, the previous question might be called, and all deliberation cut off. Mr. C. concluded by deprecating the present bill as of a more despotic character than the alien and sedition law.

Mr. STANBERY inquired if it was not necessary that

the present bill should go to a committee, inasmuch as a tax for military purposes would be necessary to carry its provisions into execution.

The CHAIR gave its opinion that the present was not a bill of such a character.

Mr. WICKLIFFE asked the reading of a decision of the CHAIR upon this subject on a former occasion.

The decision referred to was not read, not being in the possession of the Clerk or the House.

Mr. WICKLIFFE said he had never understood until that day that it was the determination of the friends of the administration to pass this bill in preference to one, the purpose of which was to give peace to the country; the votes of that day had shown this to be their determination. Mr. W. concluded by expressing his opinion that, as far as regarded the point of order, the bill ought to be referred to the Committee of the Whole on the state of the Union.

Mr. BELL did not believe that it was the intention of gentlemen to cut off discussion on this subject by the previous question. The justice of the House, and the responsibility of its members to the justice of the country, would, in his opinion, secure to it a full and fair discussion. With regard to the bill itself, he did not think it fraught with the mischief which some gentlemen apprehended; he thought it comparatively peaceable in its nature, and calculated to prevent bloodshed. It must be evident that to do any thing interfering with an immediate action on the bill, was, at the present period of the session, practically to defeat it. They might pass the present bill, and would still have an opportunity to act on any other measure relative to the tariff. He should, therefore, move to make it the special order of the day for to-morrow.

Mr. FOSTER contended for the committal of the bill to a Committee of the Whole on the state of the Union. It was obvious that the same reasons prevailed here as in the case of the report of the Judiciary Committee. It was evident that those who opposed this reference, had the power in their hands to stop any debate on it when they pleased; he hoped that, with this consciousness of their own strength, they would have the courtesy to let the bill take the course which had been given to the report of the Committee on the Judiciary.

Mr. CLAYTON said the proposition to grant relief by modifying the tariff, after the passage of a bill like the present, reminded him of an anecdote of the celebrated Fox, who had proposed to postpone the settlement of an account with one of his importunate creditors until the day after the day of judgment. Mr. C. proceeded to represent the sympathy which would be felt by other States with South Carolina, should the present bill pass. If they would pass a measure of reconciliation, there would be no occasion for the present or any other measure of enforcement. Mr. C. concluded his remarks by deprecating the employment of force against South Carolina.

Mr. GORDON followed at some length on the same side.

Mr. WICKLIFFE was opposed to the motion to make the bill the special order for to-morrow, and should prefer its postponement until Thursday. The administration was in a singular position, indeed, when it preferred a measure of war to one of peace.

Mr. SPEIGHT said he also was in favor of the postponement until Thursday, although he could not vote for the commitment of the bill to a Committee of the Whole on the state of the Union, on account of the shortness of the session.

Mr. ARNOLD advocated the proposition to make the bill the special order for to-morrow.

Mr. DANIEL, at some length, discussed the nature of the bill, and expressed himself in favor of the postponement until Thursday. He should vote for the longest day, for the time would be so much gained for the cause of liberty, which would be destroyed by the passage of this bill.

Mr. WAYNE wished it to be understood, that when gentlemen designated the bill as one which was calculated to dissolve the Union, as a bloody bill, and so on, they misrepresented it grossly. He had hoped that something would have been done to compose the country; and probably his hopes would have been verified, if the action of the House had not been delayed by the death of a member. Why, he asked, should that important measure be now set aside, and another substituted? But it seemed as if it was not intended that the tariff bill should pass. The time had now arrived when men ought to act together for one common object—to have the tariff reduced, and the country pacified. He knew such a disposition to exist on the part of a sufficient number of members, although others would not suffer the bill to pass.

Mr. WICKLIFFE asked, did the gentleman allude to any particular portion of the House who would not suffer the tariff bill to pass?

Mr. WAYNE said his object was to show how immaterial it was which took precedence. When gentlemen alluded to a particular State, and that his neighboring State, which he could see from his own window, as the place where that bill was particularly intended to operate, he thought it his duty to endeavor to prevent its passage. And when he saw that bill placing extensive military power in the hands of an individual, he began to think that he was living under new laws. He then read a communication from Messrs. Baring, Brothers, and Co., bankers, London, which stated that, in consequence of the disagreement of the country, the faith in American securities was much shaken, but somewhat restored by the proclamation of the President. The character of the country for responsibility, he said, required pacific measures, and that Congress should be strong enough to maintain them.

Mr. WARREN R. DAVIS said the House would do him the justice, and those with whom he acted, to own that they were in no way responsible for the snail-pace of the tariff bill; they had not impeded it by the frivolous amendments alluded to, or by propositions of any sort. They acquiesced in, and followed the suggestions of friends on this floor, and remained silent on this deeply interesting subject, lest to their participation in the debate should be attributed whatever of a dilatory or stormy character it might assume. You have all witnessed, he said, that we submitted in silence to the reading and discussions of public documents, containing false, malicious, and defamatory libels on the State and people of South Carolina; to language of contumely and reproach upon our public functionaries, (friends whom we dearly love,) that shot like fiery arrows through our veins. Yet we were dumb. Still more, sir, the bitter cup was not yet full—it might not even thus pass. We felt it our duty to let the sacrifice be complete. We remained in our places, we kept our seats, and bore the torture. You all knew, from the beginning of the session, that such would be our course; yet we were baited at the start. What friendly voice of truth or justice was heard in our vindication during those hours, days, weeks, of burning agony? What did we hear from those who ought to have defended us? Why, that South Carolina was precipitate!—After ten years of petition, prayer, and suffering; after witnessing all our Southern sister States taken up last summer with the presidential election, as if the shirt of Nessius were not upon their backs. Precipitate! away with such stuff and nonsense. And what, sir, do we now see? The tariff question, that has been creeping, loitering, drivelling, dragging itself through six weeks of the session; the very bill we were desirous to abstain from discussing, lest we might shake too rudely the leaves of its olive branch—a bill en-

titled, by all parliamentary right and usage, to precedence, is to be shoved aside, and this firebrand to be flung before it. Why? Because, forsooth, the President wills it! And by whom is the attempt made to substitute this sword in the place of the olive branch? By the organs and fast friends of the President on this floor. Can I be mistaken? That I may not be, I desire now to ask of the honorable chairman of the Judiciary Committee, (if he be in the House,) I do not see him in his seat—[Here Mr. BELL rose from a different part of the House,] to ask, and the terms of former kindness between us entitle me to a candid answer, whether it is the intention of the party with which he acts, to give precedence and preference to the bill for collecting revenue.

Mr. BELL, of Tennessee, said he would answer the question in the same spirit of candor in which it was asked: it was desired to have this measure passed as soon as practicable, and, for that purpose, to give it precedence. He exonerated the delegation of South Carolina from all responsibility for the delay of the tariff bill, and approved their course on the occasion.

Then, said Mr. DAVIS, we understand it now. The President is impatient to wreak his vengeance on South Carolina. Be it so. Pass your measure, sir; unchain your tiger; let loose your war dogs as soon as you please. I know the people you desire to war on. They await you with unflinching, unshrinking, unblanching firmness. I know full well the State you strike at. She is deeply enshrined in as warm affections, brave hearts, and high minds, as ever formed a living rampart for public liberty. They will receive this bill, sir, whether you pass the other or not, with scorn and indignation, and detestation. They never will submit to it. They will see in it the iron crown of Charlemagne placed upon the head of your Executive; they will see in it the scene upon the Lupercal, vamped up and newly varnished; they will see in its hideous features of pains and penalties a declaration of war in all but its form; they cannot (for they are the best informed people on the face of the earth, or that ever have been on it, on the great principles of civil and political liberty) but see in it the utter prostration and demolition of State rights, State constitutions, ay, and of the federal constitution too. But, say gentlemen, and I am surprised at their blindness and hardihood, it is all a mistake; it is a mere bill for collecting the revenue—intended for the preservation of peace, and to prevent civil war. Civil war with whom? Sir, all usurpations are attempted on such mild, lovely, and benevolent pretexts as these. Peace, is it? Shame, shame! You pour fire and brimstone on our heads, and bid us, in the language of a departed friend, "Be quiet; it is Macassar oil—myrrh—frankincense!" You tell us, with this bill of pains and penalties, of army, and navy, and militia in your fist, that it is a mere matter of revenue collection; a very quiet, peaceable affair. You collect taxes at the point of the bayonet, and call it civil process!

I have intimated, and I repeat, that I will not oppose the taking up this bill by any indirect means; I am ready to meet and expose its deformity; I only ask that you will not gag us with your previous question. Vouchsafe me that, you may go your ways; but that you can apply the gag, is but too manifest, since the cordial junction *pro tanto* of two hostile parties; the one opposed to the President, and who declares that he is not worthy of his office, or of the trust and confidence of the country; and another that seems willing to grant him any thing he asks.

I heard a gentleman somewhere near me say that the whole question is one of dollars and cents. To be sure, it is the very gist and marrow of it; if it were not that there were such things as Southern dollars and cents, we would never have heard the question made; the nefarious system would never have grown up. All governmental oppressions, exactions, and tyranny throughout the world, and through all time, have been perpetrated for the dollars and the cents of honest people, earned by the sweat of their brow, for the purpose of giving them to the powerful or roguish, who did not earn them. If, however, it is meant to say that South Carolina makes a question of the mere amount, the more or less, to be contributed for the support of the Government, the short answer is, it is not true. What does her bright and glorious history tell you? To coin her heart for money; to drop her blood for drachms! Her objection is to your taking her dollars and cents, not for the support of the Government she jointly made with her sister States, but for the purpose of putting them in your pockets, or of the people or States you represent. The amount, even then, she might have borne as a temporary injustice, had you not declared it a perpetuity. The gentleman from Georgia [Mr. WAYNE] has informed us that this bill will be harmless, as a tariff project, not yet submitted, will certainly be adopted, that is better than either yet proposed. I am delighted to hear it; but why, in the name of liberty, is it not offered to us instead of this outrage on the constitution? Why arm the President with powers so dangerous to peace and freedom; and in the face of a recorded refusal by your predecessors to give the pacific civilian, the mild, virtuous, humane Jefferson, the much lesser power of suspending the *habeas corpus* act? Is this thing so coveted by, and gratifying to the President? Is this bloody bill, this Boston port bill, so delightful to him that it is to be preferred to that which is said to be pacificatory? Why, sir, if he must be gratified—must be amused and pleasurably employed, buy him a tee-to-tum, or some other harmless toy, but do not give him the purse and sword of the nation, the army and navy, and whole military power of the country, as peaceful playthings to be used at his discretion. If, however, this bill must pass; if there be no substitute so palatable as blood, I withdraw my opposition to its being taken up, and only ask the privilege of exposing its details; although I clearly see that the interested passions on one side, and a supple subserviency on another, will ensure its passage by a very large majority. In what I have said, no individual allusion was pretended: I fired at the flock. My allusion was to a state of things as notorious as noonday. Our situation is peculiar, and some allowances should be made. Our representatives on this floor are small in number. Our people love honor as they do liberty: both have been assailed. We value highly the opinion of the wise and good; many, very many of whom we recognise in the ranks of our adversaries. It is when they show a disbelief or suspicion of the integrity of our purposes, or purity of our motives, that we feel the iron enter our hearts.

One word, sir, to the gentleman over the way—entirely over the way—who says this bill is necessary, because South Carolina has not yet repealed her ordinance. "Has not yet," I presume, means, notwithstanding the President's proclamation. Sir, South Carolina has received the insolent mandate of the President, commanding her to retrace her steps, tear from her archives one of the brightest pages of her glory, and alter the fundamental principles of her constitution; and she sends him back for answer (through her humble representatives) the message sent from Utica to Cæsar—

> "Bid him disband his legions;
> "Restore the commonwealth to liberty;
> "Submit his actions to the public censure,
> "Abide the judgment of a Roman Senate,
> "And strive to gain the pardon of the people."

That, sir, is her answer.

Mr. MARDIS did not rise to discuss the proposition, but to express his regret that the chairman of the committee, and those who acted with him, had felt themselves called upon to pursue the course which they had been pursuing, whilst they held feelings similar to his. They had declared the tariff bill to be most important, and it

was strange that they should give another bill to supersede it. If gentlemen wished to express an opinion on the measures of the bill, they should do it in a way to conciliate. Then why not postpone the consideration till Thursday, and then take it up? It was said that, if the bill should be taken up to-morrow, all hopes of passing the tariff bill would be lost. Might it not yet, by perseverance, be turned to advantage? If any proposition was likely to be brought forward which would be acceptable to the House and the Senate, why not go on? If the tariff bill was postponed, there would be no occasion for the other; but if you pass that without the measure of peace, let gentlemen reflect upon it! The people of South Carolina were not opposed to the Union, but they were opposed to the tariff; and if they were driven from measures which were constitutional, they had but one measure to take, and they would take it. If gentlemen supposed that passing that bill without the pacific measure of the tariff would not have that effect, they deceived themselves. The bill, he said, had a wrong title; it ought to be called a bill to dissolve the Union.

Mr. COULTER had given his vote under the impression that the little time that remained of the present session would be requisite for its discussion; but as he now understood that in some other place a measure had been matured, and that there was a majority of the House to support it, he would now vote to postpone the consideration of the other bill till Thursday. To gain the consent of the people, ought to be the first resort of any Government, and particularly a Government like ours, which originated from, and was for the benefit of the people. He would quell discontent by coercion, indeed, but it should be the coercion of kindness. He would soothe the people of South Carolina. Some gentlemen were of opinion that to yield to the wishes of South Carolina would be compromitting the national honor. When opposed to a foreign foe, it was glorious to conquer with the sword; but when we contended with our friends, then it was glorious to talk of peace. Was there not some danger in offering to South Carolina the olive branch and the bayonet at once? Let it be remembered, said he, that our countrymen are freemen, and have the spirit of freemen, and when you offer them the cup of peace, do not mingle it with gunpowder. In the hope that that bill would pass that ought to pass, he would vote for a delay till Thursday, and, in the intervening time, when it was recollected that the happiness of the country and the Union was at stake, much might be done.

Mr. BLAIR, of South Carolina, was astonished that if gentlemen wished to discuss the bill, they should wish to put it off till Thursday.

Mr. McDUFFIE rose to appeal to the judgment of the House whether the present discussion could possibly be attended with any good results. Gentlemen who might be anxious to discuss the merits of the bill from the Senate must be aware that every hour that was occupied in this preliminary debate limited the time which would enable them to express their sentiments upon it. The same was the case with those who wished the tariff bill to be taken up, and he therefore hoped that no more would be said upon either, until the merits of the case should fairly and fully come before the House.

After some further remarks from Mr. WICKLIFFE, Mr. WAYNE, Mr. CAMBRELENG, and Mr. BELL, the question was taken on the motion to postpone the bill till Thursday, and negatived: Yeas 77, nays 108.

Mr. BATES, of Maine, moved that the further consideration of the bill be postponed till Wednesday.

Mr. BEARDSLEY was in favor of the motion to make the bill the special order for to-morrow. It would be even then in the power of the House to take up the tariff bill, if a majority of the House should be in favor of doing so.

Mr. WICKLIFFE said that those gentlemen who were opposed to the tariff bill were perfectly consistent in the course which they were taking to defeat that bill altogether. When the present question was disposed of, he intended to propose to take up the tariff bill to-night; and if the House were disposed to act upon it, much might be done towards introducing and acting upon one or other of those specific bills which were intended to supersede the tariff bill of the Committee of Ways and Means by to-morrow.

Mr. BLAIR, of South Carolina, called for the yeas and nays, which were ordered and taken, when the motion was negatived: Yeas 84, nays 99.

The question recurred on the motion to make it the special order for to-morrow.

Mr. DAVIS, of Massachusetts, rose to move an amendment that it be made the first special order for to-morrow.

This being declared not to be in order,

The question was taken on making it the special order for to-morrow, which was agreed to without a division.

Mr. WICKLIFFE then moved that the House take up the special order, (which was the tariff bill.)

The motion was agreed to by yeas and nays, 115 to 57.

The House then took up

THE TARIFF BILL.

Mr. LETCHER immediately rose, and moved to strike out all the bill after the enacting clause, and to insert another bill in lieu thereof, [the bill introduced in the Senate by Mr. Clay.]

This being objected to,

Mr. LETCHER moved to recommit the bill to the Committee of the Whole, with instructions to report his bill to the House.

The bill and instructions having been read,

Mr. TAYLOR, Mr. ARNOLD, and Mr. DAVIS, of Massachusetts, rose together to ask for the yeas and nays, which were ordered and taken; when the motion was agreed to: Yeas 96, nays 54.

Mr. WICKLIFFE then moved that the House go into Committee of the Whole on the state of the Union.

The motion was agreed to, and the House went into Committee of the Whole, Mr. Wickliffe in the chair.

Mr. LETCHER moved that the instructions of the committee be complied with, by adopting the bill he had offered.

The motion was agreed to forthwith, the bill was read, and the committee rose, and reported it to the House.

Mr. FOSTER moved to amend the amendment reported by the Committee of the Whole, by striking from the third section the following words: "And from and after the day last aforesaid, the duties required to be paid by law on goods, wares, and merchandise, shall be assessed upon the value thereof, at the port where the same shall be entered, under such regulations as may be prescribed by law."

Mr. F. said he did not intend to detain the House but a moment in explaining the reasons of his proposed amendment, nor did he wish to embarrass the effort which was making to adjust the great question which had not only so long divided our councils, but distracted our country. On the contrary, he would cheerfully contribute his feeble aid to the success of an object so desirable and important. But he found, in the amendment of the committee, a clause which, from the slight view he had been able to take of it, seemed to conflict with a provision in the constitution familiar to every one, that "all duties shall be uniform." Now, said Mr. F., we have a seacoast extending from Maine to Louisiana, with numerous ports of entry. At each of these ports you have your appraisers to assess the value of the goods imported; and on this assessment you propose to calculate the duties. Can it be presumed that these appraisers will all affix the same value on articles of the same quality? And if this is

not done, if the appraisements vary, will not the duties necessarily vary also? How is it possible for the uniformity required by the constitution to be preserved, if this regulation is adopted? Having suggested the difficulty, Mr. F. proposed to obviate it by the amendment which he had offered, and was content to submit it to the determination of the House.

Mr. WICKLIFFE said the objection of his friend against the particular clause was a constitutional one, arising from the difficulty of ascertaining the duties in different ports. For example, an article might be purchased in Paris, and another of the same description in Manchester. They would bear different prices where purchased, but be of the same value here, and the difficulty would be to ascertain the duties chargeable on each article. His [Mr. FOSTER's] object was to make the duties equal in every port.

Mr. FOSTER's motion was negatived; and the question being stated on engrossing the new bill,

Mr. DAVIS, of Massachusetts, rose, and said he was greatly surprised at the sudden movement made in this House. One short hour ago, said he, we were collecting our papers, and putting on our outside garments to go home, when the gentleman from Kentucky rose, and proposed to send this bill to a Committee of the Whole on the state of the Union, with instructions to strike it all out, and insert, by way of amendment, an entire new bill, formed upon entirely different principles; yes, to insert, I believe, the bill which the Senate now have under consideration. This motion was carried; the business has passed through the hands of the committee, is now in the House, and there is a cry of question, question, around me, upon the engrossment of the bill. Who that was not a party to this arrangement, could one hour ago have credited this? We have, I believe, been laboriously engaged for eight weeks upon this topic, discussing and amending the bill which has been before the House. Such obstacles and difficulties have been met at every move, that, I believe, very little hope has of late been entertained of the passage of any bill. But a gleam of light has suddenly burst upon us; those that groped in the dark seemed suddenly to see their course; those that halted, doubted, hesitated, are in a moment made firm; and even some of those that have made an immediate abandonment of the protective system a *sine qua non* of their approbation of any legislation, seem almost to favor this measure. I am obliged to acknowledge that gentlemen have sprung the proposition upon us at a moment when I did not expect it. And as the measure is one of great interest to the people of the United States, I must, even at this late hour, when I know the House is both hungry and impatient, and when I perceive distinctly it is their pleasure to vote rather than debate, beg their indulgence for a few minutes while I state some of the reasons which impose on me the duty of opposing the passage of this act. [Cries from different parts of the House, "go on, go on, we will hear."]

Mr. Speaker, I do not approve of hasty legislation under any circumstances, but it is especially to be deprecated in matters of great importance. That this is a measure of great importance, affecting, more or less, the entire population of the United States, will not be denied, and ought, therefore, to be matured with care, and well understood by every gentleman who votes upon it. And yet, sir, a copy has, for the first time, been laid upon our tables, since I rose to address you; and this is the first opportunity we have had even to read it. I hope others feel well prepared to act in this precipitate manner; but I am obliged to acknowledge I do not; for I hold even the best of intentions will not, in legislation, excuse the errors of haste.

I am aware that this measure assumes an imposing attitude. It is called a bill of compromise; a measure of harmony, of conciliation; a measure to heal disaffection, and to save the Union. Sir, I am aware of the imposing effect of these bland titles; men love to be thought generous, noble, magnanimous; but they ought to be equally anxious to acquire the reputation of being just. While they are anxious to compose difficulties in one direction, I entreat them not to oppress and wrong the people in another. In their efforts to save the Union, I hope their zeal will not go so far as to create stronger and better founded discontents than those they compose. Peacemakers, mediators, men who allay excitements, and tranquillize public feeling, should, above all considerations, study to do it by means not offensive to the contending parties, by means which will not inflict a deeper wound than the one which is healed. Sir, what is demanded by those that threaten the integrity of the Union? An abandonment of the American system; a formal renunciation of the right to protect American industry. This is the language of the nullification convention; they declare they regard the abandonment of the principle as vastly more important than any other matter; they look to that, and not to an abatement of duties without it; and the gentleman from South Carolina, [Mr. DAVIS,] with his usual frankness, told us this morning it was not a question of dollars and cents; the money they regarded not, but they required a change of policy. They demand the pound of flesh, with the unyielding obstinacy of Shylock, and they require this House to apply the knife nearest to the heart; and shall it be cut away? Is it patriotic? Is it harmonizing public feeling? Is it saving the Union to drain out the life-blood? What is this bill? I will not say it goes at once to such extremities, but it seems to me to contain a principle which works an unqualified abandonment of the protective policy, unless changes greater than we have a right to look for shall take place in our condition.

It proposes to descend, by a reduction, once in two years, of two-tenths of the excess of duties over and above twenty per cent. for nearly eight years. It then proposes to divide the residue of such excess into two equal parts, and to remove the whole in two years, so that all duties on all imports will be run down to a level of twenty per cent. ad valorem, in between nine and ten years. The first part of the descent may be termed gradual; but in the last two years, the strides are, I fear, decidedly too long to be met by any preparation for them. Our course then is down hill during this time, wearing out the American system; and when we arrive at the foot, we pass out from under the protection of that parental benefactor, and place ourselves under the guardianship of the Carolina system. I say from the American to the Carolina system, because duties which are now below 20 per cent., are to be raised to that amount, and all free articles, with the exception of an unimportant list of dyestuffs, are to be subjected to duties. Duties are, therefore, at the end of our declivitous course, to fall on all imported merchandise at an equal rate of 20 per cent. This is the Carolina system.

What will be the effect of this bill? The protection will be diminished from year to year. This will check the operations of capital; it will, I fear, stop investments, if it does not crush that enterprising, valuable class of young men who have entered upon business, relying upon their industry and capacity to carry them forward. They are in debt, and I fear timid creditors may fall upon them. Business then will be brought to a stand at any rate, and, if bankruptcies ensue, will be diminished. This is precisely what some interested in manufacturing are selfish enough to desire, for they have money; wages will be cheaper, if a portion of the mills cease to run, and no new ones are erected, and the capitalists will, by this means, in the end, gain more by a diminution in the competition in business, and the reduction in wages, than they will lose by the reduction in duties. But, sir, this is a policy founded in such naked selfishness; it is built up so manifestly at

the expense of those who have small capital, and of the laborers; it is so hostile to the first principles of protection which invite the free investment of capital from all quarters, that goods may be made cheap by the competition, and the public be thus benefited, that no friend of American labor can give it his approbation on that ground. It may answer for a time the purposes of a few, if it operates as they anticipate; but should this prove so, it will be an unanswerable argument with the public for disapproving of it, for the causes which will make the measure valuable to some, will make it injurious to the public.

Again, sir, I can vote for no bill which abandons protection. I think this does. It adopts the Carolina system for equalizing duties, by bringing them all to 20 per cent. It abandons the exercise of all right to discriminate, and in that, give me leave to say, abandons common sense, for the system of equalization has never, to my knowledge, until now, found an advocate among financiers or political economists. It is, however, a very cunningly devised plan, and worthy of its origin, (Gallatin, in the free trade report,) for it contains a sweet poison that will destroy the last remnant of protection. Who ever heard of so absurd a system as equalizing duties? What, impose the same duties on ardent spirits as upon tea and coffee! But why do the free traders desire an equalization? Why do they insist that the duty on hats, on shoes and boots, on leather, on scythes, hoes and axes, shall be reduced to 20 per cent.? Why do they at the same time insist that there shall be a duty of 20 per cent. on tea and coffee, pepper, spices, fruits, and a thousand other things which we do not, and never shall produce, and which are now free of duty? It is to level all protection with the dust. They start with the proposition that the public debt is paid, that we have too much revenue, and it must be reduced. We have always contended, not that the revenue shall not be reduced, for we are not the advocates of an accumulating surplus, but that it shall be reduced by letting goods in free, or by diminishing the amount of duty when the whole cannot be spared, and that this principle shall be applied to merchandise not produced in this country, that our labor may have the benefit of the revenue as a protection. While we contend that the revenue shall be levied in this manner, the free traders insist that nothing shall be free, and that the duty on all shall be alike. The revenue, say they, is too abundant, and must be reduced. The bill before us, as reported by the Committee of Ways and Means, is for that purpose. What a happy mode of reducing the revenue, to diminish the duty on hats, shoes, boots, leather, axes, &c., from 30 per cent. and more, to 20 per cent., when the articles are so entirely produced here, under the present protection, that none are imported, and no revenue is realized. Is not the direct and obvious effect of such a reduction an experiment, to see if the foreign articles cannot be introduced, and the revenue increased instead of diminished? It is a still more singular mode of reducing revenue to restore the duties on articles which are free. Sir, the farmers, the mechanics, the manufacturers, cannot be blind to such an insidious scheme. They will not fail to discover that the reductions of duty on a vast variety of articles produced wholly in this country are made under a false pretence of reducing the revenue; and that the restoration of duties to free articles is also made under the delusive pretence of making taxes more equal. It will not escape their observation that this crafty plan of reducing revenue is apparently devised for the purpose of overstocking the treasury, and creating a surplus from year to year, so as to call for further and further reductions, till you come, as the politicians of South Carolina declare you shall, to twelve and a half per cent. Is it not plain that an equalization gives the least protection which industry can possibly have, unless you make the duties on articles which we do not produce, higher than you rate them on such as we do produce? When you have arrived at twenty per cent., if there is a surplus, you have, I believe, the right to discriminate below that: but of what value is such a right? Twenty per cent. ad valorem upon the foreign cost; what is that? Go to the officers of the custom-house in New York, who witness the daily frauds and impositions of importers. Go to the head of that establishment, who, it is said, declared openly in this city, it was a railroad for legalized smuggling, and inquire what a twenty per cent. ad valorem duty, or any other ad valorem duty, is. And if they tell you the truth, it will be, that it is whatever the importer chooses to have it.

This bill, after we have made our descent, *facilis descensus Averni*, carries us into the free trade system, which may be summed up under three heads.

1. All specific duties are abolished, and all duties are to be ad valorem; all free traders, and especially the Yorkshire men and Lancashire men of England, have always earnestly contended for this. For what reason, it is difficult to imagine, unless it is because frauds are perpetrated with greater facility.

2. All duties are to be equal, and to be assessed upon all imports, except a few articles of little importance, and consequently the discriminating principle is abandoned.

3. The gradual reduction which is professedly made to reduce revenue, is applied to all articles, as well those on which no revenue is raised, as those which produce revenue; thus tending, by every reduction, to bring the American producer into greater peril at every step. If this be not a total, unqualified abandonment of the protective policy, unless twenty per cent. is protective, then I know not what is an abandonment. The bill, it is true, provides that after we come to the twenty per cent. ad valorem, the duty is to be assessed on the valuation in the home market. About the meaning of this, however, there is already a dispute. The South say it means the price of the goods by the duties and charges; that is, it means the foreign cost; and a distinguished gentleman declared in debate distinctly, that he supported the bill upon that exposition of its meaning. If this be a true interpretation, the provision is worth nothing. That valuation is to be regulated by law, according to the terms of the bill, and what that regulation will prove to be, no one can foresee.

Sir, I regret that discontent and signs of violence have manifested themselves in this country; but I am not disposed to meet it with a faint heart, or to falter for a moment in support of the Union and constitution. I would face these disturbers of the public tranquillity on their own ground, and accede to the general proposition that the revenue shall be reduced to the demands of the Government; but the amount of expenditure shall be fixed by Congress, and not by South Carolina; and the revenue should be raised in such a manner as to give the most efficient protection to American labor. For one, sir, while I would do South Carolina justice, ample justice, I would not destroy the Union by attempting to save it. I would not bring the power of Congress and the constitution into contempt, by establishing a precedent, that a little knot of uneasy, discontented politicians can, by threatening to dissolve the Union, make the Government itself bow down, humble itself in the dust, abandon its policy, and promise in future to give no offence. If these are the terms on which the Union exists, if this Government holds and exercises its powers upon such contingencies as these, I was about to say, the sooner the Union is at an end the better, for the rude breath of treason will dissolve it at any moment. But, sir, whether South Carolina is well or ill pleased, whether she declares herself in or out of the Union, I am not prepared, on any compromise, to give up the protective policy; and I do contend that an equalization of duties as low, or lower, than twenty per cent. protection, is incompatible. Yes, when you surrender the right to discriminate, you surrender all.

This is a bill to tranquillize feeling, to harmonize jarring opinions; it is oil poured into inflamed wounds; it is to definitively settle the matters of complaint. What assurance have we of that? Have those who threatened the Union accepted it? Has any one here risen in his place, and announced his satisfaction and his determination to abide by it? Not a word has been uttered, nor any sign or assurance of satisfaction given. Suppose they should vote for the bill, what then? They voted for the bill of July last, and that was a bill passed expressly to save the Union; but did they not flout at it? Did they not spurn it with contempt? And did not South Carolina, in derision of that compromise, nullify the law? This is a practical illustration of the exercise of a philanthropic spirit of condescension to save the Union. Your folly and your imbecility was treated as a jest. It has already been said that this law will be no more binding than any other, and may be altered and modified at pleasure by any subsequent Legislature. In what sense then is it a compromise? Does not a compromise imply an adjustment on terms of agreement? Suppose, then, that South Carolina should abide by the compromise while she supposes it beneficial to the tariff States, and injurious to her; and when that period shall close, the friends of protection shall then propose to re-establish the system. What honorable man, who votes for this bill, could sustain such a measure? Would not South Carolina say, you have no right to change this law, it was founded on compromise; you have had the benefit of your side of the bargain, and now I demand mine. Who could answer such a declaration? If, under such circumstances, you were to proceed to abolish the law, would not South Carolina have much more just cause of complaint and disaffection than she now has?

It has been said, we ought to legislate now, because the next Congress will be hostile to the tariff. I am aware that such a sentiment has been industriously circulated, and we have been exhorted to escape from the hands of that body as from a lion. But, sir, who knows the sentiments of that body on this question? Do you, or does any one, possess any information which justifies him in asserting that it is more unfriendly than this House? There is, in my opinion, little known about this matter. But suppose the members shall prove as ferocious towards the tariff as those who profess to know their opinions represent, will the passage of this bill stop their action? Can you tie their hands? Give what pledges you please, make what bargains you may, and that body will act its pleasure without respecting them. If you fall short of their wishes in warring upon the tariff, they will not stay their hand; but all attempts to limit their power by abiding compromises, will be considered by them as a stimulus to act upon the subject, that they may manifest their disapprobation. It seems to me, therefore, that if the next Congress is to be feared, we are pursuing the right course to rouse their jealousy, and excite them to action.

Mr. Speaker, I rose to express my views on this very important question, I regret to say, without the slightest preparation, as it is drawn before us at a very unexpected moment. But, as some things in this bill are at variance with the principles of public policy which I have uniformly maintained, I could not suffer it to pass into a law without stating such objections as have hastily occurred to me.

Let me, however, before sitting down, be understood on one point. I do not object to a reasonable adjustment of the controversies which exist. I have said repeatedly on this floor, that I would go for a gradual reduction on protected articles; but it must be very gradual, so that no violence shall be done to business; for all reduction is necessarily full of hazard. My objections to this bill are not so much against the first seven years, for I would take the consequences of that experiment, if the provisions beyond that were not of that fatal character which will at once stop all enterprise. But I do object to a compromise which destines the East for the altar. No victim, in my judgment, is required, none is necessary; and yet you propose to bind us, hand and foot, to pour out our blood upon the altar, and sacrifice us as a burnt offering, to appease the unnatural and unfounded discontent of the South; a discontent, I fear, having deeper root than the tariff, and will continue when that is forgotten. I am far from meaning to use the language of menace, when I say such a compromise cannot endure, nor can any adjustment endure, which disregards the interests, and sports with the rights of a large portion of the people of the United States. It has been said that we shall never reach the lowest point of reduction, before the country will become satisfied of the folly of the experiment, and will restore the protective policy; and it seems to me a large number in this body act under the influence of that opinion. But I cannot vote down my principles, on the ground that some one may come after me who will vote them up.

Mr. Speaker, I have done my duty, in an imperfect manner, I confess; but I perceive it is in vain to discuss the matter, and I will detain the House no longer.

Mr. H. EVERETT asked the attention of the House for a few minutes. He said he was unwilling that his dissent should be given by a mere silent vote. The gentleman from Kentucky [Mr. LETCHER] had said the House had had ample time to examine the bill, and he presumed the minds of the members were made up. It was true that the Senate bill had been laid on their tables some days ago: the amendments which had since been made in the Senate were adopted in the bill now before the House; these, he admitted, had improved the bill, but still had not rendered it satisfactory to him. For one, Mr. E. said, he did not complain of want of time; he had formed an opinion, and that opinion he now rose to express. He considered the bill, as originally reported in the Senate, as a total, an absolute abandonment of the protective system after 1842—at best, it was but a lease to the manufacturers for seven or eight years, or, perhaps, more properly speaking, a notice to wind up their concerns within that time: their destruction was slow, but sure. The existing protection was to go down, down, from year to year, until the end of the term, when the existing establishments were to be abandoned by the Government: he said the existing establishments, for new ones could not be expected. Prudent capitalists would not adventure in a sinking concern. About the same time was given that was allowed the bank to wind up; and were theirs a mere money business, they would have less reason to complain; but, unfortunately, their capital was fixed, and must be sacrificed. Factories and machinery were of no value unless in operation. The owners of flocks were not in a much less hopeless condition. He repeated that the bill, as originally laid on their tables, abandoned, totally abandoned, the protective policy. It reduced all duties to the same level, twenty per cent. Even the principle of discriminating duties was abandoned. In its present form, he admitted that principle was faintly perceptible. "Congress were not to be prevented from altering the rates of duties on articles which are now subject to a less duty than twenty per cent. in such manner as not to exceed that rate;" that is, they may raise or lower the rates of duties on the unprotected articles, but may not raise the duties on the protected articles above twenty per cent. This is the only discriminating principle now in the bill; and this, poor as it was, he should show was wholly illusory; that the wants of the Government would require the full duty of twenty per cent. on the unprotected articles. The change of the foreign for the home valuation, he admitted, was a valuable improvement, though its principal value must, in a very considerable degree, if not wholly, depend on the

regulations which "may be hereafter established by law." The gentleman from Kentucky had echoed the cry of alarm which had been heard from another quarter, that the protective system was in danger; that the next Congress would prostrate it. Such alarms tended to create the peril they announced. That system, in his opinion, had no greater peril to encounter than the one of which St. Paul complained as the chief of perils. He was willing to trust it to the next Congress: they, he trusted, would protect the great interests of the country. This *project* had come upon the manufacturers from an unexpected source: the blow had not been anticipated from that quarter. If there should be a majority in the next Congress against the protective policy, the manufacturers, the farmers would submit with what grace they may. If the system should then fall, it would fall under the superior force of the enemy. But, said Mr. E., the occasion had excited feeling—better, perhaps, suppressed than uttered. He had heard it said, out of the House, that we were only bending to the blast; that we should right when it had passed over us. But was such a forecast just? Should not they who present, and they who accept this bill as a measure of conciliation, do it in good faith, without mental reservations? For one, he did not join in the offer, nor would he pledge himself or his constituents to abide by it. He would ask the gentleman from Kentucky what would be the financial operation of the bill? What would be the amount of revenue accruing under it, particularly in 1841 and 1842—the period when it was to settle down as the revenue system of the Government? These were the periods to which the manufacturers would look (he would not say they had been encouraged to look) for the restoration of the protective system. Taking the excessive importations of 1831 as the basis of calculation, the amount of the proposed reduction of duties on the protected articles (paying over twenty per cent.) would be nearly twelve millions, ($11,924,000;) the whole amount of the customs, in 1841, would be between ten and eleven millions, ($10,846,000;) and, after the final reduction in 1842, about seven millions, ($7,268,000.) How would the deficiency of revenue be supplied? The last section proposes it should be supplied by raising the duties on the dutiable, unprotected articles up to twenty per cent. This would give short of eight millions, ($7,679,000;) making the whole revenue from the customs less than fifteen millions, ($14,947,000.) What then becomes of the discriminating principle of protection? If additional revenues are to be raised, in what manner could it be done? It must be done either by raising the duties on the protected articles, or by laying duties on the articles now free.

Should this bill pass, said Mr. E., he should be almost prepared to concur in the opinion he had heard expressed in the House this morning, that it would do away the necessity of passing the enforcing bill. The duties were eventually to come down to the same rate on all dutiable articles—to twenty per cent., the South Carolina standard. With her it was only a question of time, unless she should still insist that there should be no articles imported free of duty. This was one of her unalterable resolutions. Mr. E. said he did not wish to prolong the debate. He had risen to state the light in which he had viewed the bill, and in which he thought it would be viewed by the country—as the ultimate abandonment of the protecting policy.

Mr. DICKSON also opposed the bill, and moved its postponement till to-morrow. Negatived.

Mr. LETCHER spoke in reply, and in defence of the bill; when the question was put on engrossing the bill for a third reading, and carried: Yeas 105, nays 71, as follows:

YEAS—Messrs. Alexander, Chilton Allan, Robert Allen, Anderson, Angel, Archer, John S. Barbour, Barringer, James Bates, Bell, Bergen, Bethune, James Blair, John Blair, Boon, Bouck, Bouldin, Branch, Bullard, Cambreleng, Carr, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Corwin, Coulter, Craig, Creighton, Daniel, Davenport, Warren R. Davis, Doubleday, Draper, Felder, Findlay, Fitzgerald, Gaither, Gilmore, Gordon, Thomas H. Hall, William Hall, Harper, Hawes, Hawkins, Hoffman, Holland, Horn, Howard, Hubbard, Irvin, Isacks, Jarvis, Jenifer, Richard M. Johnson, Cave Johnson, Joseph Johnson, Kavanagh, Kerr, Lamar, Lansing, Lecompte, Letcher, Lewis, Lyon, Mardis, Mason, Marshall, Maxwell, McIntire, McKay, Newton, Nuckolls, Patton, Plummer, Polk, Rencher, Roane, Root, Sewall, William B. Shepard, Augustine H. Shepperd, Smith, Southard, Speight, Spence, Stanbery, Standifer, Francis Thomas, Wiley Thompson, John Thomson, Tompkins, Tracy, Vance, Verplanck, Ward, Washington, Wayne, Weeks, Elisha Whittlesey, Campbell P. White, Wickliffe, Worthington—105.

NAYS—Messrs. Adams, Heman Allen, Allison, Appleton, Arnold, Babcock, Banks, Noyes Barber, Barstow, Isaac C. Bates, Beardsley, Briggs, John Brodhead, John C. Brodhead, Bucher, Burd, Cahoon, Chandler, Bates Cooke, Cooper, Crane, Crawford, John Davis, Dayan, Dearborn, Denny, Dewart, Dickson, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Grennell, Hiland Hall, Hiester, Hughes, Huntington, Ihrie, Ingersoll, Kendall, Kennon, Adam King, Henry King, Leavitt, Mann, McCarty, Robert McCoy, McKennan, Milligan, Muhlenberg, Nelson, Pearce, Pendleton, Pierson, Potts, Randolph, John Reed, Edward C. Reed, Slade, Soule, Storrs, Sutherland, Taylor, Vinton, Wardwell, Watmough, Wheeler, Frederick Whittlesey, Edward D. White, Young—71.

The House then adjourned.

Tuesday, February 26.

THE TARIFF.

The engrossed bill to reduce the tariff (as amended by the adoption of Mr. Clay's bill of the Senate) was read a third time, and the question stated to be on its passage.

Mr. HUNTINGTON, after a few remarks on the great importance of this question, moved a call of the House.

The House was called accordingly.

It appeared that two hundred and one members were present.

Mr. BURGES moved to suspend further proceedings on the call, but the motion failed: Yeas 69, nays 78.

The doors were then closed, and the excuses of absentees received. Proceedings were then suspended, and the doors of the hall again opened.

Mr. BURGES, of Rhode Island, then rose to address the House against the bill. I have not risen, at this time, said he, to enter into any extended discussion of the bill just now read to the House: it is my purpose to do no more than to pronounce an humble protestation against the provisions of this measure; to state a solemn denunciation of the purposes intended to be effected by its enactment; and, in a few words, to express my utter abhorrence of the causes which, as I think, must have brought such a scheme before Congress.

If, sir, you will permit me to do it, I will first read, from my place, the resolutions, brief, but full of meaning, which, on the morning of the 21st day of the last month, I had the honor to present to this House, and to move the reference of them to a Committee of the Whole on the state of the Union. These resolutions were sent to me and my colleague by the State of Rhode Island and Providence Plantations. They had been, on the 16th day of that month, unanimously passed in both the House of Representatives and the Senate of that State; and, speaking our sentiments in a better style, they announce to us the opinions and requirements of the State representatives of that portion of the American people who have honor-

ed us with a place in this House. It appears by this paper, that in General Assembly, January session, A. D. 1833, it was

"*Resolved*, That this General Assembly views with alarm, and with unqualified disapprobation, the propositions which have been submitted to the Congress of the United States, at the present session thereof, for abandoning, totally or partially, immediately or prospectively, the principle of protection to domestic industry, which was adopted with the constitution, has been ever since incorporated in the laws of the Union, and was believed to be, what of right it ought to be, a permanent and settled principle of the policy of the Government, on faith of which the people of this enterprising and industrious republic might act with confidence, and be secure in their labors and pursuits.

"*Resolved*, That this Assembly does not perceive, in the present juncture of the affairs of the Union, nor in the suggestions submitted in connexion with the aforesaid propositions, any sufficient reason for a change in national policy, of a character so comprehensive, and fraught with consequences widely disastrous, and to a fearful extent absolutely ruinous to the agriculture, commerce, and manufactures, the population, power, and happiness of a now prosperous people. On the contrary, this Assembly being convinced that, under existing circumstances, the sole path of safety is that of calm and persevering firmness, cannot but view, with equal surprise and disapprobation, all suggestions that countenance the substitution of the will of a minority for that of a very great majority of the people of these States; and protests against the ratification of any such suggestions, by the adoption, at this time, of any national measure affecting the national industry, resources, or revenue, in conformity thereto. And this protest it makes, under a solemn and irresistible conviction that every such measure would not only tend to introduce into all our future councils weakness, irresolution, and inconstancy, but would paralyze every just power of the Government, and create a far greater and more immediate probability of a dissolution both of the Government and of the Union, than any which otherwise exists.

"*Resolved*, That this Assembly cannot perceive how a surrender of a principle necessary for the independence and prosperity of the nation, to menaces of disunion, or of lawless resistance proceeding from a minority, can be less disastrous to the interests or to the honor of the nation, than a surrender to actual and overpowering force: nor how those who are constrained, or who are willing thus, in anticipation, to surrender, can be said to enjoy the benefits and protection of a republican Government, or to possess the character essential to the existence of such a Government.

"*Resolved*, That the essential and vital interests of the people of this State, and, in the opinion of this General Assembly, the interests of the great body of the people in all the States, including those in which the dissatisfaction of a part has been most distinctly manifested, and most speciously argued, require that the protection now provided by law should be continued to articles of the growth, production, and manufacture of the United States.

"*Resolved*, That the necessity of a protective tariff by no means arises either solely or principally from its importance to those who, upon the faith of the Government, have invested their capital in manufacturing establishments; that such a tariff is demanded by considerations affecting the independence and security of the nation, in times of commotion, and affecting its resources, and the resources, enjoyments, comforts, and necessities of its individual citizens in all times, that the great and paramount class of proprietors and cultivators of the soil in every State, the whole class of laborers, whether deriving the means of their subsistence from mechanical or other daily toil—the whole class of employers and employed, who are engaged in a sound and profitable commerce, interior and exterior, foreign or domestic—classes which mainly constitute the population and strength of the republic, her means of advancement in peace, and her hope of defence in war—all these, and the millions who compose them, whether considered in classes, or singly as individuals, have a deep, a fixed, and absorbing interest in the preservation of the protection now extended to the national industry; an interest in respect to which the interests of the owners and conductors of manufacturing establishments, also requiring that protection, are intermediate, subsidiary, and subservient.

"*Resolved*, That a vacillating policy, in the regulation of trade and intercourse with foreign nations, is destructive to all branches of our national industry.

"*Resolved*, That the effect of frequent alterations of the tariff laws is to distract and paralyze the enterprise of the merchant, to destroy the stability of the markets for the agriculturist, and bring ruin upon the manufacturer.

"*Resolved*, That all branches of our national industry have been arranged, contracts made, voyages projected, and business commenced, under the belief and expectation that the tariff of the last session of Congress was framed and solemnly enacted after mature deliberation, and that reliance could be placed upon the stability of these measures of the Government.

"*Resolved*, That, without a countervailing policy in the regulation of trade with foreign nations, all branches of our industry will be paralyzed, as was the case before the adoption of the constitution of the United States.

"*Resolved*, That the Senators from this State in Congress be instructed, and the Representatives be requested, to use their exertions and influence to prevent any abandonment whatever of the protective policy, and also to prevent such a reduction of the protection now extended by law to the productions of the soil, mines, and manufactures of the United States, as has been proposed to Congress at the present session thereof, and is embraced in the bill now pending before that body, as reported by the Committee of Ways and Means.

"*Resolved*, That a copy of these resolutions be certified by the Secretary, and forthwith transmitted to our Senators and Representatives in Congress.

"House of Representatives, January 16, 1833.—Voted unanimously.

"In Senate.—Read the same day, and unanimously concurred in."

I protest against this measure, continued Mr. B., because, like that which has been stricken out of the bill, to make room for its insertion, it proposes to provide for the wants of Government, but does not propose to make any provision for the wants of the nation. It calls on the people for money to feed that Government, and at the same time takes away that protection of their labors, by which the people have hitherto been enabled to feed themselves. Not less than one million seven hundred and fifteen thousand free white working men are annually employed in the agricultural, mechanic, and manufacturing labor of the Eastern, Northern, and Western States of this Union. That part of these men thus employed in mechanic and manufacturing labor, depend on that part of them employed in agricultural labor, in the same and other States, for a market for their fabrics; and a supply in return of food; of corn, wheat, flour, beef, pork, and other provisions, amounting annually to more than $27,000,000. They also look to them, and to other producers in many of the States, for a further market for like fabrics; and expect, in exchange, the products of their lands and mines, equal to $15,000,000 in amount annually. Those employed in the farming and mineral labors

of these States, look to such as are engaged in these mechanic and manufacturing labors, for this market for their products, and therein for their supply, by this exchange of those various manufactured fabrics annually to this great amount.

By the destruction of this mechanic and manufacturing labor, men employed in agriculture, whether on their own lands, or farming the lands of others, must lose that market; and not only lose their annual supply of those fabrics heretofore purchased in it, but their annual production left on their hands for want of a market, must, to this amount, annually be utterly lost to them. For in no other market of the world could they sell their breadstuffs and provisions, their wool, their lead, their iron and steel.

This loss will take from those thus engaged in the labors of farming and the mines, not only the ability to obtain manufactured fabrics, but also the power to purchase and consume annually, as they do now, four or five millions in amount of sugar, produced in Southern Georgia and Louisiana; and thereby leave this production, to that amount, on the hands of the planters of those States. There it must perish, unless they can find a market for it in Europe, where such a market for United States sugar has not, I believe, ever been found to the amount of ten hogsheads in any one year.

I pass over the rice and tobacco, drawn from the South by the owners of manufacturing capital in the North; nor mention the cotton, on which their great fabrics now so much depend; in all amounting probably to $10,000,000 annually. This omission is made because the great, rich, and independent manufacturing capitalists of the North can and will stand their ground, though they will stand that ground alone, under the provisions of this bill. When those provisions shall be carried out into perfect operation, as they will be at the end of ten years, the great, independent, manufacturing capitalist will then not depend on the South for the raw materials which he can then bring from any country at a mere revenue duty of twenty per cent.; a tax of no importance to him, because it must be paid finally by the domestic consumer of his fabric. Nor will the Southern planter then depend, for he does not now depend, on the domestic market, for the sale of his great staples. These two classes, the rich owners of great manufacturing capital in the North, or of capital in land and slaves in the South, are perfectly independent of each other's production, by the provisions of this bill; and may stand with perfect impunity, under those provisions of this measure, which must be so ruinous to all those, at this time, operating with that limited capital, or employed in those various labors, now encouraged or protected by that system of laws intended to be destroyed by these provisions.

How do the provisions of this bill ensure the destruction of that system? By the utter abandonment of even the very principle of discriminating, countervailing, or protecting duties of impost on imported goods, wares, and merchandise. At the end of ten years these duties, that is, the whole system of imposts, are to be reduced to twenty per cent. ad valorem, and to stand at that rate upon all imported commodities, such as are produced in our own country, by our own domestic industry. So utterly is protection, in its very principle, abandoned by this bill, that if more revenue shall be wanted than may be obtained, by this rate of impost on protected commodities, such impost shall not be raised on such commodities above twenty per cent.; but such impost for such revenue shall be placed on tea, coffee, and other articles unprotected, because not produced in this country; and such impost may, for revenue, be raised up to twenty per cent. This bill, therefore, not only takes from all the free labor of the free States the whole benefit of the present system of encouragement and protection, but may, and doubtless will in its progress, still further discourage such free labor by a heavy tax placed on the imported food of that labor; tea, coffee, and sugar—a tax from which the slave owners of the South will be exempted, in respect of all their labor; because neither tea, nor coffee, nor sugar, is ever consumed by the slaves.

This bill provides concerning all impost on any protected commodity, that whenever such impost exceeds twenty per cent. ad valorem, all such excess shall be divided into ten parts; and that a tithe of this whole excess shall annually be taken away, until at the end of ten years no impost shall remain at a higher rate, on any commodity, than twenty per cent. on its value.

The taking away a tenth part of this protection, annually, will, in two or three years, so expose the middling interest men, concerned in manufactures, to the first effects of foreign competition, created by excessive importation, that they must give up the conflict, and submit to the ruin provided for them by this measure.

This will leave the war of the trade in the hands of capitalists, who can afford to lose; and, outliving those losses, which ruin the less wealthy, they will take all the benefits resulting to them, as the survivors of their ruin. That ruin, and the certainty that all protection will terminate at the expiration of ten years, will discourage all owners of small, or middling, or even great capital from embarking in these manufactures, and will leave the whole concern to the over-wealthy now engaged in this business; these fortunate men, united with foreigners, will continue the trade, and supply the market. They will do this at such a rate of cost to the consumers in our country, as may be charged upon all manufactured fabrics sold in our market, by the producers of such fabrics in foreign countries. Whatever the cost of them may be in England or elsewhere, to that cost will be added the cost of importation, not less than fifteen per cent., and in like manner the amount of impost, twenty per cent., will so much further enhance the whole cost to the American consumer. The wealthy capitalists, the only surviving manufacturers of the North, then exempted from all domestic, will receive the full benefit of foreign competition—a competition which, in its first movements, by excessive importations, will have ruined all competitors of limited capital in our own country; and will thus finally enable those men, more abundant and independent in their means, to share with the wealthy manufacturer of other nations the spoils of our consumption, taxed, as it must then be, by the final effects of this measure, with not less than thirty-five per cent. more in amount, for our whole supply of manufactured fabrics, than would have been their cost, if wholly furnished by domestic production, under that system of encouragement and protection, and domestic competition, which the provisions of this bill are intended to destroy.

This evil will fall on the whole country, and will be a just retribution for the cruel and unrelenting ruin which this profligate measure will have brought on the many hundreds of thousands of free white working men, now employed in the mechanic, manufacturing, and agricultural labors of the free States. When the domestic manufacturers, the owners of the mills and machines, by the working of which those men now earn their bread, and that of their families; when these owners find they must surrender a tenth part of their protection—a tenth part of the impost, over and above twenty per cent. of the whole, they will call on their working men to surrender a like tenth part of their wages, or to leave their employment. When will this first call be made? In the very dead of the next winter, when they and their families must perish or have employment. It will be repeated annually at that season. They will surrender, rather than hear their children cry for bread when they have none to give them. This demand on labor for a reduction of

wages will be repeated once a year, just as often as this bill makes a like reduction of the rate of that impost by which manufacturing labor and capital are now protected. At the end of ten years, when the whole protection is taken away, the wages of labor will be reduced to twenty per cent. of its present amount. What a consummation of what a scheme!

Those in the West, who have heretofore supported our great system of encouragement and protection, and who now support this measure, so fitted for the destruction of that system, will, I do not say with what feelings, hereafter meet some of our working men, who, driven out from their present life of toil and contentment, may migrate from the East to purchase and people their lands in Kentucky and Ohio. The rich capitalists of the East, who have advised, if any of them have advised this measure, will employ those who cannot migrate. They must, at last, by the progress of this measure, be compelled to work for twenty per cent. only of their present wages; because that measure will finally take away all but twenty per cent. from the protection of the manufacturer. He who now earns a dollar a day, must then work for twenty cents; he who now gets seventy-five will be glad to obtain fifteen; and he who now makes out to feed his family for fifty cents a day, must then toil hard, and struggle to keep them from starving, with ten.

Southern men, for whose especial gratification this arrangement has been made, will be enabled by it to see what they have long desired, but never expected to see—what they have long demanded of us to give them—the delightful vision: they will see free white working men in the free States laboring for as low, or a lower rate of wages, than the daily amount earned by their own slaves.

Besides all those men now employed in agricultural, mechanic, and manufacturing labor, there are also in those States many thousands engaged in building ships and various craft for water transportation, or in building workshops, mills, stores, warehouses, and mansions for human residence. Others are engaged in the labors of the forests; others, in the fisheries; others, in transportation by land, or in navigation on canals, rivers, lakes, or coastwise from port to port, in moving all the commerce among the several States; or in that navigation which carries out to other countries, and brings home the foreign commerce of the whole nation. The labors of those men are more directly and efficiently encouraged and protected by that great system of laws and policy which was begun with our present form of Government, and has been continued up to this very moment; but is now, in principle, abandoned in relation to all American free labor, though, in fact, the provisions of this bill do, at this time, surrender encouragement and protection in respect only to the free farming, mechanic, and manufacturing labor of those States which, until yesterday, would, in this hall, have stood against a world in defence of that encouragement and protection. Notwithstanding this, sir, the same feeble and submissive souls, which shall to-day surrender to the menace of the South all protection of the free people who toil in your fields, your workshops, and your factories, those souls will, if they should be here, themselves, at any time hereafter, they will be ready, if a few owners of slaves should look large, and bluster, and speak long, loud words at them, they will be ready to earn their own safety by a surrender of all that protection now given by your laws to those brave and hardy men who labor in your fisheries, your internal, your coasting, and foreign navigation. Nay, sir, whenever the owners of slaves in two States shall threaten the Union, as those of one now do, the spirit, should such a spirit now live here, in this hall, which shall, to-day, at the threat of that one only, give up the protection of a million and a half of freemen, working on the land, will abandon all protection of those gallant men who work your navy on the ocean. They will, at the crack of the same whip, pull down your stars and stripes, haul up and dismantle your ships; and as they have surrendered your labor on the land, for the benefit of free trade with foreign nations, they will surrender the protection of your labor on the ocean, for that degrading security to your commerce, which may be begged, or bought, or borrowed, or otherwise obtained, under the flag of those nations.

Sir, I have said, at the menace of the owners of slaves. Is it not so? Not more than four thousand five hundred men, owning slaves, in seven Southern States, and which are employed in growing cotton, rice, and tobacco, now call for the provisions of this bill, and demand the surrender of that of your system which now encourages and protects the labor of one million seven hundred and fifteen thousand men, working in your fields, factories, machine and other shops; using three hundred and twelve millions of mechanic and manufacturing, and three hundred and sixty-six millions of agricultural capital; producing one hundred and sixty millions of manufactured fabrics, and more than two hundred millions of agricultural products, and feeding, clothing, sheltering, lodging, and educating ther own and the families of their employers; in all, not less than seven or eight millions of people. For what cause do these men of the South demand the overthrow of this system, the surrender of this protection of this free labor? They have told you, again and again, for the last six years, on this floor. It is recorded in their speeches so often, and with so many threats pronounced in this House and in the hearing of this nation. The labor of their slaves is worth to them, as they have so often averred, and with so many solemnities—is worth to them but twelve and a half cents a day; while our system of protection, as they also aver, secures to each free white working man, in the whole labor of the free States, not less than fifty cents a day. They do, therefore, demand this surrender, and this bill provides for the surrender of that protection; and we are now called on to vote for the enactment of that surrender; and all who this day shall, by their votes, secure that enactment, must, and will do so, that they may thereby effect this reduction in the wages of all this free labor; bring down the market value of all such labor to twelve and a half cents a day, and place the freeman of the North on a level with the slave of the South.

Can we, at such a call, and for such a purpose, extirpate and destroy the great principle of our national vitality; the whole abundantly productive power of our country? Of such a country too—given to our fathers by God himself, who has hitherto enabled us to defend, and preserve, and sustain that country, under a system of wholesome legislation, in a condition of progressive prosperity. Dare we, for a cause like this, to effect purposes like these, give to our congressional enactments a character so adversary to the hopes of man, and to the beneficence of the Creator? What is there in the treasures of divine munificence which we, as a people, shall not have set at naught, when we have thus sported with and thrown away the blessing of Heaven, now so abundantly enjoyed by this nation?

Sir, this measure not only abandons protection, both in fact and in principle, but, departing from all other purposes of all other impost laws, it ultimately establishes a system of national taxation. It is not a tax according to property, where those who have most to be defended by the laws shall pay most for that defence. It is not a tax upon income, where those whose wealth shall give them most to enjoy, pay the most for their enjoyments. In luxuries, the poor, or the labor of the nation, cannot indulge; but this is not a tax on luxuries. It lays an equal ad valorem burden on the necessaries of the humble and industrious, and on the luxuries of the wealthy and indo-

lent. The master of a thousand slaves pays no higher tax on tea, coffee, or sugar, the necessaries of free labor, than must be paid by that labor itself.

Besides, sir, those who have hurried this measure into this House have never looked into the various parts of our country, to discover and ascertain what the people, in the different parts of it, from habits of life, and from trade and employments, consume of imported commodities for food and drink, for clothing and dress, for household furniture, for instruments of labor, and in raw materials worked up in their various labors of production. Without this survey, who can tell what East or West, North or South, will pay under this new assessment of taxes to be made by us in one or two hours of the darkness of last night, and one other of the daylight of this morning, and which is to last for ten years, and not to be altered hereafter by any discriminating amendment, lightening its burdens by equalizing its exactions?

Sir, I assert it here in my place, before the American people, and before the world, that, under the provisions of this measure, New England will pay more than twice as much as any equal number of people in any section of the slaveholding States north of the Potomac, including the State of the gentleman [Mr. Letcher] who brought this measure into the House. If any one deny it, I challenge him to the examination. The proof exists, and diligence and time can produce and lay the facts and confirmation before this House and the nation.

Sir, this inequality of taxation and payment has always existed in all your revenue derived from impost. It had its origin in the habits, labor, and employments of the Eastern States. Indeed, the manufacturing and commercial States, from a kind of necessity, pay more than their even share of taxes, according to their population, under any system of impost designed both for revenue and for commercial regulation. This inequality has been patiently endured by those States, because those laws of revenue and commercial regulation were a system, first, of encouragement, and, eventually, of protection for the whole labor and capital of the country. When this system should have effected its great purpose, that is, when the supply of all the great staple necessaries required in our market, whether of agriculture or manufactured production from the land, labor, and capital of our own country; when, by raising the rate of impost duties so as to effect the exclusion of all those staples thus abundantly supplied by domestic industry, then, by removing all impost from raw materials and necessaries for the food of labor, not produced at home; and, last of all, by placing high, but not prohibitory impost on imported luxuries not produced in our own country, our revenue would, by such a system, be drawn from the rich to the relief of the poor; and taxes, removed from labor, would fall on the property, under that consumption of those imported luxuries which their wealth would enable the rich to enjoy. Labor, released from taxation, might improve its own condition, and, with a home market secured to home production, the competition of domestic labor and capital would supply that market at the cheapest rate.

Sir, this measure does forever destroy all hope of perfecting that system, and reduces our impost laws to a mere scheme of taxation. The inequality endured while relief was ultimately to be expected by the perfection of our system; that hope cannot now be sustained when that expectation is forever taken away by the destruction of that system. Look back to the time when Virginia, North Carolina, South Carolina, and Georgia were their own navigators and merchants. From 1800 to 1810, these States had not abandoned navigation and commerce, as they now have, for the more profitable vocations of growing cotton, rice, and tobacco. They then imported all the foreign commodities consumed by their population, and the custom-house record will exhibit a correct rate roll of their taxation. This, too, was then the fact, as it is now, with New England. Look at the population, and the payment made in those years by those States, and by New England. By the census of 1800, the population of Virginia, North Carolina, South Carolina, and Georgia, was 1,871,529.

In the ten years from 1800 to 1810, inclusive, they paid $25,712,752 35.

By the same census, the population of New England was 1,854,011.

In the ten years from 1800 to 1810, inclusive, New England paid $32,732,576 88.

Each person in those four States of Virginia, North Carolina, South Carolina, and Georgia, paid $8 35 in the whole ten years; or 83 cents and 50 mills a head per annum.

At the same time, in New England, each person paid $17 65 in the ten years, or $1 76 and 50 mills a head per annum.

Under that census, the population of South Carolina was 345,541; and that State paid, in that ten years, $6,732,576 88, being $18 13 paid by each person in the whole ten years, or $1 81 and 30 mills a head per annum.

By the same census, the population of Rhode Island was 68,122, and that State paid, in that ten years, $2,630,386 36 cents, being $49 93 paid by each person in the whole ten years, or $4 99 and 30 mills a head per annum.

Sir, this inequality of payment has gradually increased, year after year, ever since 1810, because those very causes which then produced that inequality have, ever since that time, been increasing. It was then the character of New England being more navigating, commercial, and manufacturing, and that of Virginia, North Carolina, South Carolina, and Georgia being more agricultural and planting, which created this difference in the consumption of foreign commodities, and this consequent inequality in the payment of taxes assessed upon such commodities by impost. These characteristics of New England have, in the last twenty-three years, increased, and now have become established, while those States of the South have, during that time, almost entirely abandoned all commerce and navigation, and, allured by the high profits of cotton, rice, and tobacco, become exclusively planting States. So great is that inequality of taxation and payment, at this time, that I will venture to affirm, Rhode Island, with a population of not quite 100,000 persons, under the last census, paid more into the treasury the last year than South Carolina with a population of more than 500,000 persons; and Massachusetts, during the same time, paid a greater amount than all the seven States south of the Potomac. Nay more, sir; if the gentleman from Kentucky, [Mr. Letcher,] who introduced this measure into this House, will undertake the examination of our taxes, and the payment of them, both now and hereafter, under his measure, I will add that State to those south of that river, since he has now united it to them in their hostility to our great and glorious system of encouragement and protection.

Sir, this measure, as a scheme of taxation, will ultimately be, of all others, the most unequal and oppressive in its exactions on the people of the navigating, commercial, and manufacturing States; and those men of those States who have, if any of them have, united with the West and the South in carrying it into a law for the next ten years, will, I hope in God, see their error, and that they will, before the provisions of this law shall have enabled a few men of enormous capital in our country to ruin all manufacturers of middling interest, and to reduce the wages of free labor to their proposed minimum of twenty per cent. of the present amount—they will, I hope, unite with those who this day, at every hazard, and at every sacrifice, oppose this measure; so that, all together, they may, with us, oppose a mound to the current of that ruin

which otherwise must overwhelm and sweep away the interests, the prosperity, and the glory of our country.

Trust not, my countrymen, in the relentings of your adversaries. Hope not, as by those who were once your friends you are told to hope, that, if this day you will prostrate yourselves before the proud and angry foes of your prosperity, and permit them to set their feet upon your necks, the gratifying submission will appease their wrath, and they will, in some six or seven years, permit you, in some of their moments of good feeling, should such moments ever come, and you beg submissively, they will permit you to slip your heads out, to get up, shake off the dirt of your humiliation, stand on your own legs, and go about your work again. Hope not for this. These men have not toiled seven years against you; set the whole South, from the Potomac to the Gulf of Mexico, in a blaze of animosity against your system; arrayed one State in all the preparations of battle; called every other State to join their league, and to send their Spartan warriors to the field, with each his due number of Helots; they have not done all this to win the victory of this day, to secure their triumph, and your defeat and vassalage, that they might, when they had thus reduced you to ruin, raise you up again, and replace you in your former prosperity. If you now disregard your own great interests, the preservation of your labor, your fields, your factories, your workshops, your homes, your firesides, your wives, and your children; if you surrender all these, and, without a blow given, or a blow received, throw down your arms, prostrate yourselves at the foot of the foe, and give up all to his mercy, remember, if the brave love the brave, he will despise the coward; that foe will spurn you with contempt when you fall in the dust before him, and, looking on you as less worthy of the rights of freemen than the slaves which brush his boots or drive his horses, he will forever hold you down to the prostrate condition where you have, by your own submission, placed yourselves.

Do not, my beloved countrymen, hope from your adversary, if you make this submission; do not, I implore of you, hope from him what his contempt for you, his regard for his own interest, and his unconquerable attachment to his own honor, must forever compel him to refuse.

If you surrender to-day, you will never be brought back from your inglorious captivity until redeemed by those whom, if you submit, you now desert; those who, in this hour of peril for the prosperity and glory of our country, dare to stand up in this hall, and before this nation, in defence of the rights of those men of industry and perseverance, the great working community of our nation, the whole free family of toil and diligence, in every State in this Union: ay, sir, men whose labors, in peace, have earned for us that prosperity, and whose bravery, in war, both by flood and field, has achieved and secured that glory.

Sir, indulge to me a few words concerning the cause which has brought this measure into this House, and which, with a kind of convulsive hurry, is now rushing on with it through all the forms of legislation. I will then be silent, and, as Socrates did, drink the hemlock; first of all imploring God to turn away from our country the evils and miseries prepared for it by this measure. If, for this act of outrage against our own prosperity, this trampling under foot the munificence of Heaven, the current of divine vengeance must be turned upon us, may its consuming stream not reach those who have been deluded and deceived, or who may be ruined by the enactment of this day; but if it reach any, may this retribution not pass over, and go beyond those who have brought this delusion, this ruinous deception upon our country.

Sir, within our walls there is no practised or meditated artifice, no stratagem of legislation, intended to deceive. We sit here, I trust, and am persuaded, in our deliberative halls, surrounded with an atmosphere of purity, and breathing the very air of patriotism. Beyond their precincts, in our lobbies, and elsewhere, it may not be so. It cannot be concealed that a great mart is frequently open in the neighborhood, a political bazaar, where not only pigeons are bought and sold, but where high offices, distinguished honors, and heavy emoluments may come upon the counter. May that purifying spirit, with the same hallowed hand which once overthrew their tables, and scourged out of the sanctuary of religion those who had rendered that consecrated place a den of base traffic, may His spirit forever expel and exclude from these halls of legislation, which have come from our predecessors, to our occupation, pure and uncontaminated; yes, sir, exclude those political dealers in men and measures, who trade in great public interests and great public officers, with the same facility, that more humble, perhaps more honest men deal in corn and cattle, lands and merchandise.

Sir, had this measure been thrust into this House by those proud and angry adversaries from the South, those men with whom we have so long been engaged in flagrant, and, as I trust, honest warfare; had they attempted to overthrow us by their overwhelming power, we should have known how to meet them; and our victory would have been honorable, could we have achieved it; nor had our fall been inglorious, if defeated. Here, in this controversy, if we succeed, we succeed against our friends; if we fall, we perish under weapons drawn against us by our own political associates; men united with us in many a hardly contested and perilous controversy—men, whose names, whose deeds have, by frequent use, become our household words; "nor less endeared and precious to our feelings than our own household gods."

When, hereafter, this measure, by its consuming enactment, shall settle down on all the free States of our country, and, tithe after tithe, take away the protection of our labor, and the prosperity of our people; and, like the lean and hungry vision of the Egyptian monarch, swallowing up, year after year, the surplus of our former plenty; and still growing more and more gaunt and hungry: then when I meet, as I must meet, with the sons and daughters of toil; when they, men, women, and children, gather around me, and, pale with overwork and scanty food, grasp my hand, and in the agony of their distress implore of me, who have sometimes been to them the messenger of good tidings, to tell them how they, or their fathers, have offended Heaven; or what, or who has brought upon them and their labors this wasting ruin, this "pining atrophy," this living death, this dying life; shall I be silent, and let the rocks rebuke my apathy; or shall I cover over truth, and hide the name and the face of hideous deeds, by glosing words, or fabricated tales; and earn, by this, the deep damnation merited by him who palters in his speech, and cheats the ear of anxious and imploring wretchedness!

Sir, I shall, I must, I cannot but say to them, you suffer not for your own or your father's delinquency. You have been put in the market, like the involuntary labor of those regions where men are bought and sold. You suffer this under a great political arrangement; not from the irresistible power of men always adverse to the prosperity of your former condition; but from one in whom you had placed your hope of continual, unyielding assistance and defence; in whose hands and safe keeping you had deposited your "most ancient and domestic" rights and interests; your treasurer, with whom you had garnered up whatever of all things earthly you would make most safe, and where, as you believed, good faith would live on earth until she left the world. A man whose friends were our friends; whose adversaries were our foes; for whom we have toiled, and labored, and travailed; our star in the west; our sun in the storm; our bow

of promise in the tempests of our times. He has been the hero of our tales; his deeds the argument of our discourse; his glory the song of our festivals. Whose, whose name was ever so frequent in our flowing cups! Who, like him, ever sat with us at the great political table! We have together taken salt from the same stand, bread from the same basket; he has, with us, dipped the political sop in the same dish; and now he has lifted up his heel against us, and we are delivered into the hands of our adversaries. These adversaries will never relent. Our lovely land must become a desolation. The labor and wealth of the East must migrate to purchase and people the West. This is our only hope: There may be a country for us on the waters of the great river. Those men, once our friends, who have left us to the ruthless power of our and their adversaries, may then meet us with the hand of kindness; and the father of the elder American system, having parted with that to the States of the South, may thus have provided for the birth of a younger son, which those States may never be able to obtain.

Mr. JENIFER, of Maryland, said that nothing but necessity could induce him ever to differ from his honorable friend from Rhode Island, [Mr. Burges,] young and inexperienced as he was, in comparison to that venerable and high-minded gentleman. But he could not sit and hear what he must denominate calumnious charges, brought against an illustrious and honorable individual, to whose course the gentleman had thought fit to allude. Mr. J. should regret to the latest day of his life doing any thing to mar the harmony which seemed so happily about to prevail in that hall. But, believing that the individual referred to would be more immortalized by the very act which the gentleman had vilified, than by any other public act of his bright and useful career, he was unable to remain in silence. Out of a regard to peace, and from a respect to his venerable friend, he would forbear to utter all that he felt at that moment. Suffice it to say, that as a personal, warm, and devoted friend of the individual assailed, he would not hear him charged with infamy without rising in his place to repel the cruel and unmerited slander.

Mr. FOSTER said he did not belong to "the trading community" of which the gentleman from Rhode Island [Mr. Burges] had spoken. He had broken no bargains; he had made none; and he had therefore nothing to say in reply to the two gentlemen who had preceded him.

But Mr. F. rose to make an explanation, lest there should appear some inconsistency in the vote he was about to give. He had, last night, moved to strike from the bill a clause which he then considered unconstitutional; but his motion was lost. Had he remained of the same opinion, that clause would compel him now to vote against the whole bill; but, on further examination, he was satisfied he was mistaken. He had supposed that the valuation of goods, on which the assessment of duties was to be made after 1842, was to be regulated by the existing laws: and under our present system of appraisements, there would inevitably be different rates of duties, not only in the ports of different States, but in the different ports of the same State; thus destroying that uniformity required by the constitution. But on a more attentive perusal, Mr. F. found that the bill provided merely for the assessment of the duties on the home value, as it is called, leaving the regulations under which that assessment shall be made, to be hereafter prescribed by law. This, then, removed the constitutional objection. He, however, was convinced, that whenever this system of home valuation was attempted, it would be found impracticable.

Mr. F. said he had other objections which he would take the occasion to suggest. He considered the reduction too slow, and the period for arriving at the revenue point too distant. He feared, also, that in the intervening time, by reason of the reduction being so gradual, there would be a large accumulation of surplus revenue in the treasury, the scramble for which was easily foreseen; and the corrupting tendency of which must be obvious to all.

Mr. F. also protested against the pledge which seemed to be contained in that part of the bill which provides that "the duties, as modified by this act, shall remain and continue to be collected" until June, 1842. We had no power to bind our successors, and Mr. F. would not bind his constituents, or even himself, by any such engagement as that which is alleged to be thus implied. He had great difficulty in bringing his mind to the conclusion to vote for the bill, and he voted for it solely upon the ground of an adjustment of the agitating and distracting question which had brought this Union to the verge of dissolution. As a compromise, he considered it far short of what the South was entitled to; but he was prepared to concede much; to make a willing sacrifice to preserve the union of these States, and to restore peace and harmony to the country. He had therefore expressed the opinion that this object could only be effected by a spirit of mutual conciliation and concession, and it was by this spirit that he was now actuated. In pursuing this course, he had no doubt he represented truly the feelings and opinions of his high-minded and patriotic constituents; but he had no authority to pledge them to any future course of measures, nor would he do it. This bill he regarded as an experiment; and if, in its operation, it should be found to be defective, it will be subject, like all other laws, to repeal or modification.

Mr. DENNY said that he owed thanks to the gentleman from Georgia for the frank and candid expression of the sentiments which he had now given to the House. It now appeared that this bill was considered by the South as a mere experiment, which might or might not prove satisfactory on trial. And was that House to experiment on the livelihood of millions of men? Were they to be driven into the adoption of such a course by a faction existing in a single State? A gentleman from Kentucky, whom it would not be parliamentary to name, had, out of benevolent feeling, proposed the present bill as a compromise of the existing duties between the North and the South. But did gentlemen from the South say that they would accept the bill as a compromise? Not at all. The House had just heard one of those gentlemen declare that he considered the proposition as a mere experiment. Had it been demonstrated to the House that the South would accept the bill, and would rest satisfied with it? It had not. Let the House pass this bill, and next year the Southern interest would come up and drive the House from its position. Once give them the power, and every thing like compromise would depart forever. The State which Mr. D. represented was to be the chief sufferer in this arrangement: it was sentenced to die. But was it certain that they should perish by so slow a death as this bill had provided for them? Was the Kentucky gentleman able to restrain and hold down the fiery spirits of the South? When they came to press the advocates of American industry to the wall, would it be in the power of that gentleman to hold back their fury, and rescue the manufacturing interest from their remorseless blow? He believed not. The bill did nothing more than to hold out to foreigners all that protection and encouragement which ought to be reserved for our own citizens. If the object was to compromise with foreigners, the British themselves could propose no better terms to advance and secure their own prosperity. They would willingly take this bill, because they would see in it the slow, but certain death of the manufactures of our country. Its provisions would give vitality and strength to their own industry; it would diminish the members in their pauper houses; it would

make paupers in this country, by feeding the paupers of Great Britain. The friends of the protective system had little expected such a blow from the quarter from whence it came. From the hand of their avowed opponents they might have been prepared to meet it. If it came from them, however it might prostrate the best interests of the country, it might be better borne; but it came with added force from the hand of one who had been himself the strongest advocate of the system. The American people had not looked for any thing like this. They knew that a bill to reduce the tariff had just passed, and they were willing to wait another year to see what the effect of that bill would be; but this was not permitted them. They must here take their leave of the protecting policy. Its knell sounded in this bill, and he had only to regret that the task had not fallen to abler hands of pronouncing its funeral oration. The system of internal improvement was also to be murdered; and where the devastation was to stop, who could tell? But one consolation still remained. The country had its own relief in its own hands. Freemen were not bound, like slaves, to work upon a plantation all their lives, while their masters disposed of them according to their pleasure.

Mr. D. said he should have liked a greater opportunity of expressing his views of this measure; but no time was allowed. The session was expiring, and the bill must be passed. The manufacturers must be sacrificed without even knowing for whose benefit it was to be done. One gentleman said that he took the bill as offering the best terms he could get at present; but that he did not hold himself bound, by so doing, not to endeavor to get terms still better hereafter. There was one provision in this bill which ought to alarm every man that was interested in the American system. It proposed eventually to equalize all duties, reducing them to twenty per cent. ad valorem. Here was deception on the very face of the bill. All ad valorem duties were necessarily deceptive. A specific duty was known; every body knew, at once, what they had to pay; but ad valorem duties varied continually. The bill laid a twenty per cent. duty on articles of all sorts. All sorts of mechanical work were to be brought down to twenty per cent., while some of them were produced by machinery, and others not. The same machinery worked as well here as it did in Europe, and our mechanics worked at as cheap a rate; but to meet the European, they must work on half wages, because the foreign operative obtained half his living from the parish.

Where was the discrimination under such a bill? The owner of a cotton mill, with his power looms, was to have a protection of twenty per cent. while the poor weaver who sat, from day to day, toiling at a hand loom, obtained no more. In England, such a man obtained the residue of his living out of the parish. Was this pauper system of England to be combined with the slave system of South Carolina, against the free labor of the United States? Must American industry be thus nullified? Must the manufacturers submit, and see all their workshops closed within ten years? Could it be expected that, with such a prospect before them, those who now contemplated investing their capital would continue such a purpose? It could not. The moment the passage of this bill was announced, the whole manufacturing enterprise of the country would at once be paralyzed. The emulation would be, who should wind up their affairs the soonest. As one factory went down after another, the monopoly would increase, from year to year, until, at length, a few overgrown establishments would be left standing in solitary opulence, melancholy monuments in the wide-spread ruin.

Mr. DANIEL said that he rose to perform a sacred duty to a friend who had been wantonly and maliciously slandered on the floor of that House. Whatever the past course of that individual might deserve, in the way of chastisement, he had most richly received from the gentleman with whom he had associated himself. He had, however, the least reason of all to expect that among his bitterest assailants should be those for whom he had sacrificed himself. Had it not been for the proud patriotism from which he had been led to choose a course that threw him into political association with the gentleman from Rhode Island and his friends, he would, at this day, have presided over the nation. When he had joined these new friends, Mr. D. had thought he did wrong, especially in disobeying the expressed will of his own State; but time had proved the truth of all he had predicted, and the vote he gave had been justified by the people of the United States. Those who condemned him at the time, had since been the loudest in his praise. As for himself, he owned that he had seen his error, and so had many more. The present was not the first time that individual had saved the nation from destruction. And what was his crime now? He had saved the nation from the horrors of blood and slaughter—from all the ruthless cruelties of civil war. This was his offence. He was charged with a coalition. It was not the first that had been laid to the charge of that distinguished man. And whence had all his sufferings proceeded? From a coalition with that gentleman and his political associates. But did the gentleman expect that, because he had acted with them for a time, he must go with him to destroy the principles of this Government? He would find himself mistaken. It was possible for the wisest and the most faithful sometimes to wander from the correct track, but, the first moment an opportunity presented itself, he would return. Mr. D. would ever be for treating with the greatest kindness and indulgence a man who had been an original democrat. It had been twice proved that he acted properly in the vote he had given. The South had seen and owned it. And what were they now told? That the whole slave labor of the southern section of the Union was to be united against the free white labor of the Northern States. Did the gentleman suppose that there were no poor white laboring people in the Southern States? There were as many as at the North, at least in that part of the country where Mr. D. lived. How many were there in poor little Rhode Island, a State that a man might put into his breeches pocket? The House had been told that cattle were fed with fish in Rhode Island. And what then did the people consume? Would one man eat as much as two or three cows? He presumed not. The gentleman had been telling the House what Rhode Island paid for five, six, or seven years past, for the support of Government. The gentleman had not the custom-house book to show. This showed the sophism the gentleman wished to play off on the people of the United States. Why, what did the gentleman desire? Did he want the slaves of South Carolina to be sold, that he might put the money into his pocket, or their masters and overseers only?

The gentleman said that this bill was virtually an abandonment of the protective system. The bill allowed the manufacturers a little lifetime to come down to the point to which all agreed that they must at last come, viz. to a revenue duty. How was it an abandonment of protection? He should think that any man, in seven years, with a protection of sixty per cent., might make his fortune. What farmer made half as much? What farmer made twenty per cent. upon his capital? No, he did not make ten per cent., nor five either. But this bill was willing the manufacturers should enjoy their fifty or sixty per cent. until it was gradually reduced to a permanent tax upon the people of the United States of twenty per cent. for the support and encouragement of manufactures. It really seemed to Mr. D. that no man ought to raise his voice against it. It was a free gift—a mere gratuity. What had the great West to do with manufactures? What benefit was it to Kentucky that the manufacturers of Rhode Island should get a bounty on their industry?

They paid a million and a half into the treasury, and got about six or seven hundred thousand dollars out of it, by which they gained an annual loss of about seven hundred thousand dollars. Still they supported the tariff. They supported it because they supposed it was for the benefit of the country. They were not willing, however, to press the system to the separation of the Union. Rather than such should be the result, they were ready to abandon it altogether. He did not believe that one-fifth of the people of the nation would give up the Union to save the tariff. The individual who had recommended this compromise had acted on other principles. He chose rather to retire than to remain in public life at any such cost. He did not seek any office. Mr. D. trusted the people of this country would ever continue to remember him as having proved their political saviour at the two greatest crises the nation has yet known. Who had it been that had saved the country when the Missouri question threatened to rend the Union; and who had now saved it from war and bloodshed? The same individual had effected both these deliverances. And who, he would add, had carried the land bill through the other House? Who but the man so wantonly abused by the gentleman from Rhode Island? Mr. D. concluded by demanding the previous question.

He withdrew the motion, however, at the request of

Mr. BURGES, who apologized for detaining the House for any reply, and said, the gentleman from Kentucky has reproached me for what I have said in allusion to a distinguished gentleman of his State. Let me say, concerning that reproach, that ancient wisdom has told us, "The rebuke of a man of one character is better than the song of a character very different;" and I will leave it to the nation to determine whether the character of the distinguished individual of the West may not brighten on the page of history under my rebuke, when the eulogy of the gentleman from Kentucky [Mr. Daniel] would render that character infamous. I will not reply to what he has said of Rhode Island: it is all neither more nor less than the bray, without the inspiration of a philosopher of the same family which once reproved a prophet of antiquity.

Mr. STEWART said that he was opposed to all further legislation, at this time, on the subject of the tariff. This Congress had already acted upon the subject. We have passed one law, and are *functus officio*. If the act of the last session, passed with so much unanimity as a final adjustment of this vexed question, is again to be disturbed, let it be by other hands—let us not be driven by a handful of nullifiers into a repeal of our own legislation before it has gone into effect, and before any one can foresee whether its operation is to be beneficial or injurious. If we degrade ourselves by such an act of inconsistency, the world can assign but one reason for our course, and that will be, that a majority of two to one have been compelled to surrender their own deliberate judgment to the threats of a few nullifiers, thereby recognising and establishing nullification, not only as a peaceable, but as an efficient and constitutional remedy, proclaiming to the world that the United States is not a Government, but a thing to be governed by the passions, whims, and caprices of each and every State in this Union. What, sir, is our present position? Last session we passed a tariff, as a final compromise and settlement of the question. South Carolina was dissatisfied, and she has nullified it; she says her will, and not that of the Union, shall govern. The President says the law shall be executed, and South Carolina shall submit—we join the nullifiers, repeal the law, and South Carolina triumphs; Rhode Island, or some other State voting against the repealing act, next nullifies, puts herself on her sovereignty, demands the repeal of this law; and, upon the authority of the precedent now established, you must again repeal this act, and so on, as long as any State in the Union is dissatisfied. The constitution and Government would be by such doctrines subverted and overturned; it could not be preserved, and would not be worth it if it could. Our Union would be a rope of sand, a cobweb to be broken by every breeze. Until South Carolina, therefore, repealed her ordinance, and laid down her weapons of rebellion, he, for one, was opposed to all legislation on this subject. But this objection out of the way, and no sufficient or even plausible reason had been assigned for "posting with such dexterity" to the repeal of our own deliberate act. What were the reasons assigned? Sum them all up, and they were embraced under three heads: 1. To reduce the revenue; 2. To reduce taxation; and, 3. To appease the nullifiers. That the act of the last session would produce too much revenue, was an assumption, he said, unsupported by evidence. The act has not yet gone into operation. No one could say what was to be its effect upon the revenue. He believed that, instead of a surplus, there would be a deficiency of revenue. There is no surplus now, we all know. That there would be a surplus hereafter, no one could foretell.

This argument, therefore, rested upon the assumption of a fact that had no existence now, and which, in his opinion, would have no existence hereafter—a fact not proved, and incapable of proof. The second argument rested entirely upon the validity of the first. If the first failed, as he thought it must, the second, resting upon it, failed of course. For if there was no surplus revenue, no one would contend for a reduction of duties. If the revenue was necessary, of course the duties were also necessary. This argument, therefore, went for nothing. As to the third and last, (the satisfaction of the nullifiers,) he had given his reasons for opposing any change of the law on this ground; but if it was proper to yield to the demands of the nullifiers, this law will not answer the purpose. The nullifying ordinance expressly declares that they will be satisfied with nothing short of a total abandonment of the protective principle; and we are told on all hands that nothing of this kind is contemplated by the bill. Thus you fail to satisfy the nullifiers; you destroy your manufactures; lay waste a large portion of your country; paralyze and prostrate your industry in the fields and in the workshops, render unhappy and discontented, if not hostile to your legislation, more than one-half of your people now contented and prosperous, and you satisfy nobody. A measure of such universal operation, affecting the labor of the whole nation, and visiting the fireside of every man, even in the remotest hamlet of our country; such a measure, supported by such reasons, he thought, could never meet the approbation of the American people. Even the enemies of protection in the South friendly to the Union were decidedly opposed to any reduction of the tariff under existing circumstances. Their opinions to this effect were published to the world. The editor of the "Charleston Patriot," a leading Union paper in South Carolina, says:

"The Mercury charges the Union presses in this city with insincerity, because they do not advocate an immediate repeal of the tariff, with the ordinance hanging as an instrument of violence and menace over the deliberations of the National Legislature. We should be sorry to lend ourselves to any such purpose of coercion, in this land of liberty. Our Legislature must deliberate and decide without means and instruments of intimidation. The example would be fatal—the precedent destructive of all good government, if Congress should legislate with an edict of nullification suspended over their heads. We care not how soon after the removal of this act Congress engage in the reduction of the tariff. But we are not such 'incendiaries' as to wish the constituted authorities to act under an impulse of fear from factious measures, which are not the less factious from being organized."

The British alone would be benefited by the passage

of this bill. They could not now repress their exultation at the prospect of being enabled to crush our rising manufactures, from which they had so much to apprehend. Their presses were breaking forth in raptures on the subject, of which the following was a specimen, from the York (Upper Canada) Reporter, of January 25:

"*Triumph of South Carolina, and submission of the manufacturing States.*—We copy an article from the Commercial Advertiser of the 12th instant, from which it is apparent how matters are to be settled. The tariff is to be reduced to meet the views of the South Carolinians, and thus is the whole of the United States to be thrown open to European manufactures, upon equitable terms. Much rejoicing will be in England upon this account, as well there may. We shall forever fix a high value upon the Southern character; it has been displayed in a light to command respect and admiration; and their struggle for justice has been crowned with the success such manly efforts seldom fail to achieve."

But even if legislation on the subject of the tariff was at this time necessary, which, however, he utterly denied, the plan proposed, of a gradual reduction of duties, was the very worst, and especially this blind and indiscriminate reduction upon all articles alike, protected and unprotected, without inquiring whether they would or would not bear further reduction, whether it would or would not destroy our manufactures, whether it would or would not increase revenue by increasing imports. He was opposed to thus applying the bed of Procrustes to the tariff, stretching out or lopping off every thing by the same measure, right or wrong. The effect of this indiscriminate, hasty, panic-struck legislation, was to ruin the country, to lay its industry prostrate at the footstool of British power. Under such a system, every thing would be sacrificed in the end. Rather let the blow be boldly struck at once; let the people see and know whence it comes, and who gives it. He preferred this to a secret, silent, insidious, and gradual system of destruction, undermining and sapping the foundations of the national prosperity, producing desolation, decay, and death, by slow poison, administered in "broken doses." Offer this dose of destruction naked and undisguised—tell the people what it is—force them to take it if you can—and they will throw it back upon you. Repeal the tariff, and you will find a recuperative energy in the people, which will rise up, and cast off your unjust and injurious legislation. You can never destroy protection by direct means, but it may be undermined and destroyed by some such secret plan of operation as this. Repeal the tariff, and the remedy is at hand; it would be found in the ballot boxes at the very first election. The sovereign people will take care of themselves, they will look to the yeas and nays, and distinguish between their true friends and the "dough faces," and soon again be erect in their true American position.

When this scheme of reduction runs down to its lowest point, there will not remain in the whole tariff a single protecting duty. Every thing will be reduced to a common revenue standard. All now see and admit that our manufactures are maintaining a doubtful struggle with foreigners for the American markets, aided by protecting duties of forty, fifty, and sixty per cent.; this being the case, who will pretend that they can stand when these duties are reduced to fifteen and twenty per cent.? Protection will be gone, completely gone; not a vestige will be left; and so far as manufactures are concerned, when you sink below the point of protection, it is immaterial to them whether you stop at twenty or at five per cent.; it becomes a mere question of revenue—protection has nothing to do with it. The proposition contained in this bill is simply this: you say to the manufacturer you must die—this is settled—but, as a matter of favor, we will allow you to live five days, provided you will consent to have your left leg cut off the first day, your right leg the second, your left arm the third, your right arm the fourth, and your head the fifth; or, if you prefer, we will begin with the head. Would he hesitate? No. He would say, begin with the head. But this system could not die; it would survive, and, like the Phœnix from its ashes, it would rise stronger and brighter from the blow, and go forth with healing in its wings—with new energy and power, spreading gladness and prosperity far and wide over the land; but if destroyed by this secret, silent, gradual process, it might never recover. The destruction would be the more certain, fatal, and ruinous, from having been protracted and concealed.

Mr. S. said he would not trespass long on the time of the House, but begged its indulgence to say a few words as to the practical operation of this measure upon the revenue, the capital, the currency, and the labor of the country. We have had calculations upon calculations, from the treasury, from the committee, and from gentlemen on all sides, predicated upon the strange and false assumption that an indiscriminate reduction of duties upon all articles, protected and unprotected, whether produced at home or abroad, was to be followed, as a matter of course, by a corresponding reduction of revenue. Was not the mere statement of the proposition sufficient to show its fallacy? Who was so blind as not to see at a single glance, that to reduce the duties on articles now supplied entirely at home, so as to check the home production, and let in the supply from abroad, would, instead of diminishing, greatly increase the revenue? The duties on many articles are now so high as to wholly exclude their importation from abroad, and no revenue whatever is received. Reduce the duties one-half, and import half your supply from abroad, and will you not, by this reduction of duties, add millions to your revenue? Who would deny it? And yet it is assumed as an axiom, that reduction of duties will of course be followed by a corresponding reduction of revenue! To illustrate the argument—Suppose the duties on shoes, hats, cotton, and wool, and woollen and cotton goods, now average fifty per cent. (about the fact,) and that, with the existing protection, we now manufacture and produce for home consumption one hundred and twenty millions of dollars worth of these articles, which was short of the amount: suppose you reduce these duties, as is now proposed, from fifty to twenty five per cent., and thereby destroy one-half of this home production, and import it from abroad, what is the consequence? This addition of sixty millions to your imports, under this reduced duty of twenty-five per cent., will add exactly fifteen millions of dollars annually to the amount of revenue; yet we are told by the Secretary of the Treasury and the Committee of Ways and Means, that inasmuch as the duties now derived from the importation of the abovementioned articles amount to twelve millions of dollars a year, under a duty of fifty per cent., by reducing the duties to twenty-five per cent., the revenue will be reduced to six millions: assuming to be true what every body knows to be false, that we would import no more wool and woollens, cotton goods, hats, shoes, &c. under a duty of twenty-five, than we now do under a duty of fifty per cent. It was passing strange that intelligent men could deceive themselves or expect to deceive others by such fallacious statements; he would not follow further this fundamental fallacy upon which this measure rested entirely for its support, for it was emphatically a measure to reduce the revenue to the wants of the Government. But in its practical results the opposite would be its effect; instead of diminishing, it would increase the revenue on protected, though it would diminish it on unprotected articles. We now import from Liverpool more than a million bushels of coal, paying six cents duty; reduce the duty one-half, and the import will exceed five millions next year; thus, by reducing

the duty one-half, you more than double the revenue on coal, and such would be the effect in all similar cases. Hence he had always contended, and still maintained, that the reverse of the course proposed was the true plan of reducing the revenue, and advancing the independence and prosperity of the country. That, instead of gradually reducing duties, and thereby increasing imports, and, consequently, revenue, the true system was to gradually increase duties at the rate of one or two per cent. per annum, on articles which we can and ought to manufacture, until we supply ourselves, when the revenue on these articles would entirely cease: for instance, in 1831, the revenue on woollen and cotton goods alone exceeded ten millions; by gradually increasing the duties, you would stimulate capital to go to work, and you would soon not only save the twenty-eight millions of dollars sent abroad to purchase these articles, but cut off the ten millions of revenue derived from these imports. Whereas, by reducing the duties as now proposed, you will not only destroy your own manufactures, but be obliged to send abroad fifty-six millions of dollars a year, instead of twenty-eight, to pay for cotton and woollen goods, and also increase the revenue, on this article alone, more than five millions of dollars per annum.

He would now say a word or two as to the effect of this system upon capital. As to capital already invested, its effect would be immediate destruction to all small and young establishments; the large and wealthy capitalists might, by pressing down the wages of labor, and the price of agricultural produce, manage to live till they could turn their capital to something else; but as to the capital afloat, what dollar, under this system of gradual, but certain destruction, would ever go into manufactures? Not a dollar. The further progress of capital in this direction would come at once to a full stop. Under this bill, or any other based upon similar principles, manufacturing would soon be at an end. Seeing nothing but final destruction before them, those who were out would keep out of the business, and those who were in would get out as fast as they could, and no one would be willing to take their place.

It is a received theory that high protecting duties operate for the benefit of moneyed capitalists, and to the prejudice of the laboring and agricultural portions of the community. Such is the theory, but the practical operation of the system is exactly the reverse. The great effect of the tariff is to benefit the poor man—it is emphatically the poor man's law; it is a law to benefit labor, whether employed in the fields or in the workshops. The wages of labor and the price of agricultural produce, which together constituted the foundation of the national prosperity, would prosper or decline precisely as the protection afforded to the national industry was increased or diminished. This was as susceptible of demonstration as any problem in Euclid. There is a perpetual contest existing between the labor of our own and foreign countries; and those who can work cheapest will have the market, unless we interpose to give our own labor the preference, by imposing discriminating duties and taxes upon foreign productions, which taxes the foreigner must pay for the privilege of selling in our markets. This must be the case so long as competition is between the foreign and American producers; but when the foreigner is conquered and driven out, then a new contest springs up between the American manufacturers, and from that moment this new struggle will reduce the price by increasing capital, skill, economy, and machinery, to a point greatly below what it had ever been before.

Such was, and always would be, the practical operation of protection upon the industry of the country; the effect was to increase our national independence and national wealth; to give the preference to our own over foreign labor, and that preference would always be in exact proportion to the amount of the protection afforded. Suppose you reduce the duties as proposed, who would it first affect? Not the rich, not the capitalists, but the poor, the laborers of the country. The effect would be to grind down the wages of laborers employed in your factories, your fields, and your workshops. This would be the practical operation of the measure, and no man of common sense or common observation could doubt it. The capitalist would go to his factory and turn his key; to his operatives he would say, "I cannot work at a loss, I must turn my capital to something else, or vest it in stocks; you know that it is with the utmost difficulty I can maintain the competition under the present duties of 50 per cent. Congress have now reduced my protection one-half, you must therefore make a corresponding reduction in your wages, or go idle." To the farmer he would say, "you must make a like reduction on your wool and breadstuffs;" to the mechanic, "you must fall in the same proportion;" to one, "you must be without employment," and to the other, "you must be without a market for your produce." What is the alternative? To submit or starve, take half or nothing. The laborer must take 25 instead of 50 cents a day. The farmer must take 15 instead of 30 cents for his wool, 50 cents instead of a dollar for his wheat, or it must rot on his hands. Thus the evils of your legislation will fall upon the poor and dependent, and upon the farmers of the country; wealthy capitalists could take care of themselves; and it was for gentlemen representing farmers and mechanics to say whether they were prepared to strike such a blow, to gratify British cupidity and Southern rebellion.

We are told that the protective system is a system of monopoly, calculated to make "the rich richer, and the poor poorer." If the proposition were reversed, it would be much nearer the truth. The destruction of this system would not only reduce the laborer of this country to a level with the paupers of England, and the serfs and slaves of Russia and the Indies, but the money of our country being exported to pay for foreign imports, the laborer having lost his accustomed employment, and compelled to work for sixpence a day, what would become of the poor man, and of every man in debt? Their property would be sacrificed for little or nothing, and bought up, by whom? By the rich, who alone could purchase. This was no fancy sketch; for the reality of it, it was only necessary to refer to the heart-rending scenes of ruin and distress that followed the reduction of the tariff in 1816.

Upon this subject, Mr. S. said, there was another theory, adopted too generally by the friends as well as enemies of the tariff; a theory quite as false as the one to which he had just adverted. He meant the theory which asserted that duties were taxes imposed upon and paid by the consumers. This he denied. Wherever, he said, the duty had produced an increase of price, this was true; but in no other case. With regard to articles not produced or manufactured in the country, this theory might be generally correct; though he believed experience had not proved that a reduction of duty even upon non-protected articles had always been followed by a corresponding reduction of price. But where duties had been increased on articles extensively manufactured at home, and where the price was regulated and established by home competition, an increase of price had never followed an increase of duty. He made the general assertion, and he made it without fear of contradiction; not a single instance could be cited to the contrary. On the other hand, the prices had been generally reduced by the increase of capital and skill, and the increased quantity of the articles made and thrown into the market. Duties, in the first instance, all know, are levied on foreign goods, and are paid by the importer. If the price of these goods is not increased in consequence of the increase of the duty, then it is clear the consumer pays nothing, and the duty

falls entirely on the foreign manufacturer, who deducts it from his profits, and pays it into our treasury for the privilege of selling it in our market. This is universally the case where American competition has established an American price, which price regulates the market for all. To illustrate this operation, he would present a statement which had just been furnished by a gentleman then in the hall, who was an old and extensive importer of British iron, residing in this District. From his correspondence with his agent in Liverpool, it appears that, shortly after the addition of seven dollars per ton on bar iron, in 1828, he wrote that he was obliged to pay this duty, and could not get a cent more for his iron; that, consequently, the price must be reduced, or he must cease to purchase. In a short time the price of iron was reduced in Liverpool to the full amount of the increase of duty, and so it continued till the 22d of December last, when his agent wrote to him that, in consequence of the reduction of the duties on iron by the act of July last, the price of iron had risen five dollars per ton, and would soon be up to the full amount of the reduction of the duty, and thus the price of the iron here would remain the same as before the duty was taken off. Who, then, paid the seven dollars added to the duty on iron in 1828? The consumers? No! The British manufacturer paid it, and took it from his profits. And who is benefited by the reduction of seven dollars in 1832? The consumer? No! The British manufacturer, who puts it in his pocket instead of your treasury. The consumer still pays the same price; the market price established by the American manufacturers. And what was true as to iron, was true as to woollen and cotton goods, and every thing else extensively manufactured here. A reduction of duties on these articles was not followed by a reduction of price. It was, in fact, a reduction of duties levied upon and paid by foreigners for the privilege of selling their productions in our markets. This was, he contended, the plain and practical operation of the tariff, be the theory what it might.

But, Mr. S. said, after all, he believed one of the greatest sources of mischief and injury to the industry of the nation arose from the fickle, changing, and unsteady course of legislation on the subject of the tariff. No man knew when he was safe. One day we grant protection, and the next day we take it away. But a few months ago we passed a law which was understood to be a final compromise and settlement of the question. With this expectation millions of capital had been invested, extensive establishments had been bought and sold; and now the faith of your laws is to be violated, these men are to be ruined, every thing again involved in doubt and uncertainty, to gratify a few Southern malcontents. By what system of morality were gentlemen governed? Upon what principle of common justice could such a course be defended? You have no right to alter a law under the faith of which rights have been vested, because it is in the nature of a contract which is inviolable. Suppose the reasons of the acts of 1824 and 1828 had been set forth thus in the preamble: "Whereas large amounts of capital have been invested in manufactures; and whereas the prosperity and independence of these United States would be advanced by still further investments: Therefore, be it enacted, that the following duties be, and the same are hereby, imposed," &c. Would not such a preamble truly state the reasons which influenced those who advocated and voted for these laws? No one could doubt it who would read the contemporaneous debates. How, then, after millions upon millions of private capital had been vested upon the faith of these laws, could gentlemen who had voted for them now vote for their repeal, and thus sacrifice and destroy those whom they had thus betrayed? As far as good conscience and sound morality were concerned, would they not be quite as justifiable in voting to alter or repeal a charter under which individuals had been induced to vest their private fortunes? In strict law there might be a distinction, but in morality and justice there was none.

Mr. S. said he would not trespass longer on the time and attention of the House, but he did hope that gentlemen would not be so soon driven from the act of the last session by a few disappointed and ambitious men in the South—men who seemed determined to rule or ruin the country. To yield to their dictation would not only be disgraceful, but ruinous in the extreme. These people of the South have already been spoiled by indulgence; they cannot bear to see any prosper but themselves. What has been their course, and what has brought about the present alarming and unhappy state of things? Let us go back a few years and inquire. Let us see how Southern jealousy has operated, and how it has been indulged. Having, by non-intercourse, embargoes, and war, broken up the navigation of the North, and compelled them to turn their capital and industry to manufactures, they next determine to break down manufactures; and, to accomplish this, what is the plan? First, to hasten the payment of the public debt, and then to repeal the duties, as no longer necessary. And how is the payment of the debt to be hastened? First, internal improvements must be arrested to swell the annual surplus applicable to the payment of the debt. They are indulged in this, and internal improvements have been arrested. Next, the act limiting the sinking fund to ten millions a year must be repealed, and this was also done. Next, the United States Bank, being suspected of affording capital and other facilities to the manufacturing States, must be put down also. They were again indulged last session. The tariff was attacked, and reduced six or eight millions; but, like spoiled children, they grow worse from indulgence. They now demand that the protective principle shall be utterly abandoned, and the whole people of the Northern and Middle States sacrificed at once, or they will dissolve the Union! Grant this, and next we must elect a President south of the Potomac, or we shall have another nullifying ordinance—more threats of civil war and bloodshed; and where was this system of concession to end? It would end only when all political power was surrendered to the South, and the free people of the Northern and Middle States reduced to a condition more miserable and degraded than that of the Southern slave. It was time to stop and tell these gentlemen plainly that we will go no further, and to play out their game of nullification and civil war if they dare—civil war! Where is it to be? and who is to suffer by it? It will be confined to South Carolina. It will be a war between her own people, the union men and nullifiers, and the former would be able to put down the latter with little or no aid from the Federal Government. But why should we of the Northern and Middle States sacrifice our people by repealing the tariff to prevent these madmen of South Carolina from cutting each other's throats? But there was no danger; they were not rash and crazy enough to do so. There can be no war in the North; it would be entirely a Southern affair. They would have all the glory and all the sufferings of this war among themselves. All would commiserate and none envy their condition under this glorious reign of nullification.

Pass this bill, and you will still fail to settle this question. The act of concession, passed in July, it was then said, would satisfy the South, and harmonize the country. Has this been accomplished? No; it has but multiplied their demands, and aggravated the evil. "Increase of appetite has grown by what it fed on." You gave up one-half, and now they demand the whole. They have nothing to lose, and every thing to gain, by this plan of annual compromise and concession; and as long as we continue to give, they will not cease to ask. Let the friends of protection remember that what is once given

up, is gone for ever. "*Facilis descensus Averni, sed revocare gradum hic labor hoc opus est.*" Some gentlemen, however, indulge the hope that whatever is now surrendered, will be recovered hereafter. This, he feared, was a vain hope. But why pass an act destructive to the best interests of the country, with the hope that those who come after us will repeal it? Will such an excuse as this satisfy our constituents? Will it satisfy our own convictions of public duty? But we are told by others that our successors will do worse; that they will destroy the whole system; that they will entirely repeal the act of 1832. We are therefore called upon to destroy this act, to murder our own offspring, lest it might perish by other hands; to cut our own throats, to prevent others from doing it. "Sufficient for the day is the evil thereof." Let us live while we can. If the country must be destroyed, let the sin rest upon other heads. Let us do right, and leave the responsibility of doing wrong to others. He, however, had no such fears. He was willing to trust the next Congress, coming fresh from among the people, and full of their feeling, with this subject. He had no doubt it would be safe in their hands, when the excitement and panic which now prevailed will have passed away. Under existing circumstances, to pass this bill would be to establish the principle that the minority are to rule the majority, and thus subvert the very foundation of our Government. When this doctrine is once sanctioned, the Government is at an end, the Union is repealed, our liberties are gone. To repeal the tariff, in obedience to the commands of South Carolina, while she holds her nullifying ordinance in one hand, and the drawn sword in the other, would go far to establish this pernicious principle. He was, therefore, for this reason alone, if no other existed, opposed to all legislation at this time. If, after resistance to the law has ceased, it is deemed expedient to modify it, be it so; but he was opposed to legislation under threats, or by compulsion. A better opportunity never could occur of putting down, without difficulty, and without bloodshed, resistance to the law. South Carolina not only stands alone in her attempt to nullify, but even her own people are almost equally divided on the question. Serious resistance is, therefore, out of the question. Let this insurrection, then, be put down, and we will be troubled no more with the absurdity of nullification. But establish it as a "peaceable remedy," by yielding to its demands at this time, and hereafter, when it has acquired more strength from victory, enlarged its alliances, and multiplied its friends and followers, it will make an attack which may end in civil war, in revolution, and in the dismemberment and destruction of this happy Government, with all its hopes and all its glorious promises to mankind.

But, sir, if this precedent is to be now established by yielding to the demands of nullification; if the constitution and laws of this Union are to be cancelled by the South Carolina ordinance; if the legislation of Congress is to be repealed at the pleasure of every State in the Union; if our Government, established at the expense of so much blood and treasure, is thus to be overthrown and destroyed, I, for one, said Mr. S., shall escape the sin and the reproach, by voting against this bill. If, sir, the effect of the adoption of this measure shall be (as he firmly believed it would) to sap the foundations of the national prosperity, destroy millions of capital, and throw thousands of industrious people out of employment; if its effects should be to reduce to the level of the paupers of England the free and now prosperous labor of the country, to grind down alike the wages of the farmer and mechanic, to exhaust our currency, and spread poverty, wretchedness, and ruin, far and wide over this now prosperous and happy land, his constituents, to whom he was so much indebted, should never have it in their power to say to him—"You contributed to bring this ruin upon us." I will redeem myself from this reproach, said Mr. S., by voting against this unjust and injurious measure.

Mr. SUTHERLAND next addressed the House, and put it to all who heard him, whether a bill presented in the manner, and under the circumstances that this had been, ought to pass. It was out of all reason. It was against the course of all legislation. The ink was hardly dry with which a bill had been engrossed, and passed at the last session, settling this very question, and settling it by compromise. Would the House be doing justice to those who had relied upon that act, so soon to overturn what had been so deliberately resolved upon—a law which had commanded the votes of two-thirds of that House, and two-thirds of the Senate? But he was told that the bill must pass, because a spirit of opposition had appeared in South Carolina, and was running through all the Southern country, which nothing could allay but the passage of such a bill. On that subject he must be allowed one word of reply. He asked, where did this whole protecting system come from? With whom did it originate? Where was it born? The system was started in South Carolina. It had originated in the early days of this Government, and it had been sustained in Virginia, by one of the ablest statesmen that ever graced that proud and ancient commonwealth. He meant Thomas Jefferson. Yes, it was Mr. Jefferson, who had given it his most decided sanction. He had appeared in his native State, on our great national anniversary, in 1808, dressed from head to foot in homespun. All the military, horse and foot, had paraded in uniforms of American manufacture. And the reverend clergy were clad in the same. And so entirely was the system approved of, that prayers were offered up on that occasion for its maintenance and perpetuity. This House was asked to repeal the protective system, although the very people who brought the system into being, now declared it to be unconstitutional: and although there had not lived scarce a distinguished man, since the revolution, who had not been, or was not now, the approver and advocate of the American system, and its constitutionality. It had been a member from South Carolina, a Mr. Burke, who had first proposed in that House a protecting duty upon hemp, to enable the people of his State to raise that commodity upon their rice grounds. With this view the duty had been imposed. The same individual had then asked a protecting duty upon indigo, all for the benefit of his State and the South; and this duty had, in like manner, been laid on. But now, South Carolina had discovered that every protecting duty was a flagrant and alarming violation of the constitution.

"We think our fathers fools—so wise we grow;
No doubt our wiser sons will think us so."

At the first session of the first Congress, one of the signers of the constitution had offered an address to George Washington, as being the devoted friend to the whole system, which address had been unanimously adopted, by men who were themselves the fathers of our revolution. Southern gentlemen might rave as they would. The constitutionality of that system stood beyond their power. In a debate which had taken place in the first Congress, as to the duty proper to be laid upon tobacco, the celebrated Roger Sherman, a member from Connecticut, had proposed to lay sixpence a pound on that article, avowedly as a prohibition. This was carrying protection to its extreme; and had a single Southern man so much as whispered an objection? Not one. Why should the law be altered now? Protection was as constitutional at this day as it had been at that day.

In 1808, the whole capital and enterprise of New England had been mainly engaged in commerce. The canvass of New England ships whitened every sea. But Congress, to oblige the South, had passed a law which drove

that capital from the ocean, and compelled that enterprise to turn itself into the new channel of manufactures. The whole state of that part of the Union had been revolutionized.

And now, when capital had invested itself in buildings and machinery, which could not be abandoned without ruin, the men of the South came to that House, and insisted on driving the whole of that capital back to the sea again. Where were the pledges to the manufacturers which had been so solemnly given? Or what pledge were they now to receive that the whole legislation of the country would not continue to experience these ruinous fluctuations? Did any gentleman talk to him of a pledge here in this bill? What did it amount to? Every body knew that the protective system had received the most decided support of this Government. Mr. Jefferson himself, in the last message he ever addressed to Congress, had avowed himself to be in favor, not only of protection, but of carrying protection to prohibition. That distinguished man, now quoted with an air of triumph by the nullifiers of the South, had, upon the subject of the tariff, set his face against nullification. He had recommended protection—he had advised prohibition.

Mr. S. said that he had lately examined into what had taken place in 1808, in Richmond, that hot-bed of the principles of '98, and he found old Virginia as steady as the mountains, and all right and sound upon the protective system. He had said that Richmond had exercised great power in this republic under all administrations. It was justly due to her, for much political intelligence was concentrated there. But could gentlemen forget that, under the Jefferson administration, a report, coming from the luminous mind of Albert Gallatin, had proposed that five millions of dollars should be loaned for the express purpose of encouraging and sustaining the manufactures of the country? Yet now, forsooth, the country was told that Mr. Jefferson was the great authority for nullification; and precious Mr. Editor Ritchie, he, too, was quoted in support of the same doctrine; a great, consistent, and most undeviating authority! Among all the rest, the House had heard Governor Giles appealed to. Yes, he, too, was a great advocate of nullification. Now, Mr. S. was so fortunate as to have one of this same gentleman's speeches in his possession, an extract from which he would take the liberty to read, for the edification of the House, and especially of Southern gentlemen. [Here Mr. S. read from the speech.]

And now, he asked, whether, with all the lights to be derived from Mr. Jefferson, Mr. Giles, Mr. Baldwin, and all the Georgia and other Southern statesmen, in behalf of the constitutionality and expediency of the protecting system, it would be fair in this Congress, at one blow, to repeal it. A great system of national policy, like this, affecting so many millions of people, and so many hundred millions of property, was a plant which did not grow up in the night. It had taken a long series of years to plant, to nourish, to train, and to foster it; and now the House was called upon to lay the axe to its root. The House had just heard a very eloquent speech on the dreadful evils of civil war; but he asked whether an act like this was not likely to be followed by as wide-spread a devastation as any war that ever swept over the country. It must drive thousands of men, women, and children from their daily bread, and ruin multitudes whose all was embarked on the faith of the Government. And, what was the worst feature in the whole matter, all this was to be done on the ground of a false theory, from a mistaken and unfounded notion of policy. All this loss and desolation was to be inflicted on the Northern half of the Union, for supporting a system which had originated in the South.

Mr. S. had lately read a speech purporting to have been delivered by Mr. CLAY, in the Senate, at the last session, upon the American system. It dwelt in eloquent and forcible language on the multiplied and widely extended benefits which that system had conferred upon the United States. It spoke of villages and cities grown up, as if by enchantment: of mills and factories, of roads and canals, and a thousand works of improvement in every form. And, after dwelling with enthusiasm on the internal prosperity and growing strength of our country, it attributed the whole, in a very important degree, to the wise policy of protecting our own industry, and making the most of our own resources. Could it be that a bill which went slowly but surely to destroy the system, should have been brought into Congress by that same individual? It struck him with amazement. It would strike the whole country with astonishment. He did not believe there was a single man in his district, who had so much as dreamed of such a thing. A gentleman had said, that by this bill the manufacturers were "cheered" with the prospect of a continued protection for seven years to come. Cheered! The bill gave them the prospect of lingering out a wretched, doomed, dying existence for seven years to come. Was this to cheer them? It was the very worst part of the measure proposed. If South Carolina must be gratified at all hazards, and at all expense, let the wide-spreading tree of protection be felled at once. Let not gentlemen lop a branch here, and a branch there, until limb after limb dropped from the scathed and naked trunk, which was reserved to the melancholy privilege of falling last amidst the surrounding ruins of its former beauty. Let them put the axe at once to its root, and let it fall in all its majesty and strength. He called gentlemen to look at the effect of the twenty per cent. duty, now held out as the ultimate hope of the manufacturing interest. Could not British statesmen and British manufacturers calculate the effects of this bill, as well as our own? Send this law to England, and they would put into the hands of our manufacturing rival a chart to guide his future course. It apprised him beforehand, here we are going to take away so much of our own protection, and there we are going to take away so much more; this year the protection is to be forty per cent., that year it is to be thirty per cent., and when it gets down to twenty per cent. our system of protection is to be wound up entirely. So, now knowing all beforehand, you may govern yourselves accordingly. This, to be sure, was dealing very frankly, and no doubt the manufacturers of Manchester and Sheffield would highly commend so novel a magnanimity. Those gentlemen, as was well known, could borrow as much capital as they pleased at four per cent., and with such an advantage they could ruin us at their leisure. Was this protection? Was it? Would any gentleman say it was? Our whole history proved the reverse. And would gentlemen commit so rash an act? Would they destroy in a single day what it had taken so many years to build up? When the day should arrive that laid this system low, then the gentlemen of the South would have achieved what they had long predicted; then the poor men of the North would all have become slaves. God grant that he might never live to see that day: he trusted it would never come: he trusted that the means of education and of intellectual and moral improvement would never be torn from the millions of our laboring classes, and that that accumulation of light, social, civil, and political, with which this country seemed destined to illumine the rest of the world, would never be quenched, especially by an act of our own Government, by reducing free and laborious citizens of the North to a level with the planters' slaves. The Government would lose their hearts, and with their hearts it would quickly lose also the support of their strong arms. The bill inflicted great injustice on the North, especially when taken in connexion with previous acts of the Government: when the previous promises and pledges to the manufacturers should be placed beside an act like this, every honest and

intelligent man would blush for his country. Mr. S. did not mean to charge the honorable Senator who had originated this bill with the design to destroy the American system; he did not believe that such had been his purpose, but he did fully believe the policy was a mistaken one, and that such would be its consequences.

That honorable gentleman did not live surrounded with the men on whom this bill was intended directly to operate; his residence was in a portion of the Union which had little or nothing to do with the tariff; but the inevitable effect of his bill would be to bring down upon the American mechanic the competition of foreign labor. The laboring population of France and England were to be brought to compete with us, a new nation, a young people. Could a population situated as ours were, safely enter into the contest with all the old world? We started in an unfair race; all the capital, all the experience, and all the poor rates of England brought to bear upon a people just emerging from the agricultural state, and covered with no higher protection than twenty per cent.! The South knew well that such a protection would amount to little or nothing, and what must be the result? Could the nation maintain itself in its present condition? Never. We were now a prosperous people. But we are said not to be a happy people. And why? Because, in the South, there was a speck of opposition. He did not mean to treat the State of South Carolina with disrespect, but still it was but a speck. The States of this Union could not be made to believe that her system was true, or her grievances such as she stated them. All men of common sense repudiated her fears. So did Mr. S., and condemned her conduct, but still he was for keeping South Carolina in the Union. He found among her sons too many able, and too many gallant men to be willing to part with them or with her. They were now under a mistake. But for the mistake of one State, must the Government throw up at once all that the other States held dear?

But he was told that this Government had no right to compel the States into obedience. This was to introduce general anarchy. They were all influenced more or less by compulsion. They must be regulated by fixed laws. South Carolina was but one star in the system. She must learn to move in her proper orbit. She must revolve in her own sphere. She must not derange the whole system to suit her will and pleasure. It had been said by some that one star would not be missed in the national constellation. Therefore, let her withdraw. But such gentlemen forgot that Carolina was not the only party concerned. The Government had to deal with more than one State. It was bound to sustain the rights and interests of all portions of the country.

In concluding, he would offer one remark in respect to the whole South. He perceived that it had been asked in Virginia, when the people were about to vote for a new Senator, whether the candidate was opposed to the tariff on constitutional grounds. The question had been asked in Richmond, in the very spot where both the constitution and the protecting system had started. If Jefferson could have heard that question, he would have started from his tomb in amazement, and would have asked, is this the doctrine of Virginia? Have you forgotten the year 1808? After the South had riveted upon the country the protection of every Southern staple, they turned about and insisted that, in relation to all who dwelt north of Mason and Dixon's line, the entire protective system should be destroyed. They had enjoyed a tariff for thirty years for themselves. But the moment its benefits were to be extended across that line, the discovery broke upon them that the tariff was unconstitutional. He trusted that no man would vote for this bill on the ground that the tariff was unconstitutional, who did not mean to fly in the face of the father of democracy, and the author of the Declaration of Independence. If gentlemen, from motives of interest, were determined to destroy the tariff, they could do so. But in the name of all consistency, let them not affect to do it because the tariff was unconstitutional.

Mr. CARSON, of North Carolina, now rose, and observed that the House had heard three speeches in opposition to the bill, the denouncing speech of the gentleman from Rhode Island, [Mr. Burges,] the violent speech of the gentleman from Pennsylvania, [Mr. Stewart,] and the vociferous speech of the gentleman from Pennsylvania, [Mr. Sutherland.] Believing that this was quite enough, he demanded the previous question.

The CHAIR inquired whether the motion was seconded.

When the House refused to second the motion: Yeas 65, nays not counted.

Mr. BATES, of Maine, said that he should vote for this bill, not because it was what he wished, but because it was the best thing that could be procured. The bill proposed to impose a less degree of taxation on the country, so soon as January next. Had this bill been offered to him at the commencement of the session, he should have felt himself bound to reject it. Had himself or any of his friends proposed such a measure to the South at that time, he should have felt that he was offering them an insult. But circumstances had since occurred which showed that now the South was willing to accept the bill as a compromise that would settle the distracted state of the country. Such being the case, he was bound to accept it. He rejoiced to find, that somehow, or somewhere, an arrangement had at length been effected. The fact proved either that the injuries complained of by the South were not so serious as they had been represented to be, or that the South had been governed by a laudable patriotism, which led them to assent to an offer which came short of that which they had a just right to demand. He hoped and believed that it was from the latter. He would now say a word or two on the subject of pledges. The House had been told that, having voted for the bill of 1832, they were pledged to leave the subject of the tariff at rest. But Mr. B., though he had voted for that bill, had not voted for it as the best that was possible: he had voted for it as the best he could then get: but he had not considered himself as bound never to get a better, when it should be in his power. He had never pledged either himself or his constituents. Whether it was or was not, in the opinion of some, implied that the system was to remain untouched for eight or ten years to come, was a matter of mere moonshine to him. He had never pledged himself for a single session ahead. His successors, he knew, would act as he had acted, independently.

It had been charged that this bill was a sacrifice to the slave labor of the South. Mr. B. would vote for the bill from a different motive, and for the benefit of a very different people. He represented a class of people denounced by those who considered all who left the mark laid down by their rulers, as the real slaves of the North, the real "dough faces:" but he could tell all such persons that his constituents were a people who understood their own rights, and would maintain them. Every protective duty was a tax upon them, and they knew it. They knew that they were consumers of articles on which the price was enhanced a hundred times more than on those which they exported; for them he acted. He should not inquire where this measure originated: it was sufficient for him that it promised peace to the country: and he hailed it as the harbinger of halcyon days of national prosperity and happiness.

Mr. PENDLETON, of New York, said he viewed the bill as a compromise. It was an exchange of intermediate protection for ultimate reduction: and those who voted for it voted for it as a whole. There was no reason why gentlemen who voted on one side should be more reflected on than those on the other. Gentlemen who chose to

reject the compromise can do so; but those who took it, took it as a whole. They consented to the continuance of protection for a certain course of years, for the sake of ensuring its reduction in the end. In his judgment, this was altogether illusory, because this Congress could not bind its successors; for himself he never would consent to take a measure so entirely uncertain.

Mr. McDUFFIE said that he did not believe that the bill made all the concession to the demands of the South which justice required; much more ought to have been allowed. The South had a right to demand more, much more. But he had nevertheless made up his mind to vote for the bill. He wished to give quiet to the country; he believed this bill would give quiet to the country: and in that view he should give it his vote.

Mr. SPEIGHT now moved the previous question: but great objection being manifested in all parts of the House, he withdrew the motion.

Mr. HUNTINGTON demanded the yeas and nays on the passage of the bill, and they were ordered by the House.

Mr. BATES, of Massachusetts, said he had no inclination to go into a discussion of the bill, but he wished to state the grounds upon which he should vote against its passage, that he might stand fairly before his constituents, and before the country, upon this deeply interesting subject. He did not share in the apprehension expressed, that the South would not abide by the provisions of the bill. He had no fear on that score, for the bill is an abandonment—gentlemen may say what they will to the contrary—the bill is an abandonment of the protective principle, progressively and slowly, but certainly and fatally. Nor had he any disposition to join in the denunciations, although he shared largely in the regrets of the occasion. Had the cup which the friends of the tariff are called upon to take been mingled by other hands, he could have borne it; but, presented and forced upon them as this has been, it becomes as unpleasant and ungrateful as unexpected.

He would state, that he might be distinctly understood, that the advocates of the protective system admit—

1st. That the revenues of the Government ought to be no more than the wants of the Government; that they do not ask, by way of protection, for a dollar beyond this. But,

2d. They maintain that, so far as the revenue is derived from impost, it ought to be from duties imposed for protection. And,

3d. That, in the apportionment and assessment of duties, reference ought to be had to the condition and wants of the interests to be protected. Acting upon these principles, he said, there would be ample means of protection for all needed purposes; but, in his opinion, the bill under consideration was in utter disregard of every one of them.

So far as derivable from duties on protected articles, this bill will augment the revenue, and thus will diminish protection, while it will increase the demands upon the people.

The duties upon protected articles, it will be observed, are to be progressively reduced to twenty per cent. in 1842, and afterwards at pleasure; but, in no event, peace or war, is the progress of reduction to be stayed; and in no event, after 1842, is the rate of duty to exceed twenty per cent. The bill contains a formal enactment, and gives an express pledge to this effect. And both before and after 1842, in case of a deficiency or excess of revenue, recourse is to be had to such unprotected articles as are not made free by the bill. This he considered an abandonment of the great protective principle. It is an express agreement that the duties for protection shall not exceed twenty per cent., and that duties for the mere purposes of revenue may be imposed upon unprotected articles when they are needed for protection. It is, therefore, not only an abandonment of the principle, but a limitation upon the power. The duties upon the unprotected may transcend the duties upon the protected articles themselves.

But how, he inquired, does this bill propose to reduce the duties? It changes all the specific into ad valorem duties after 1842. In the mean time it reduces them equally, without any regard to the magnitude or wants of the different interests, their importance in war or peace, their character as connected with agriculture or commerce, with necessaries or luxuries, with the capabilities or exigencies of the country; it reduces them all as a gardener trims a hedge, cutting every thing to the same level, without reference to any thing but uniformity. Whatever may be the legislation of foreign Governments, whatever the competition and power brought to bear upon a given department of industry, this bill fixes its position and condition immoveably, and leaves it at the mercy of those who may choose to assail it, and in any way they choose.

And wherefore all this? The gentleman from Kentucky [Mr. LETCHER] tells us that if Congress does not pass this bill now, the next Congress will do something worse; and before 1842 the South will think better of this matter. It is a sufficient answer to say that, if the people will the destruction of the system, this bill cannot preserve it; and if they do not, neither the next Congress nor any other Congress can destroy it, and a change of principles and feelings in the South is too remote and uncertain a contingency to justify the sacrifice that this bill makes. Mr. B. said that he would detain the House no longer. The victim is bound, and he would not delay the sacrifice. But he could have wished the offering had been made by other hands.

Mr. WILLIAMS now moved the previous question, and the House sustained the motion: Yeas 93, nays 65.

The previous question was put, and carried: Yeas 109, nays 85.

The main question was about to be put; when

Mr. ADAMS said that, before he voted, he wanted to know the meaning of one of the clauses in the first section of the bill.

It being out of order to debate after the previous question had been carried, Mr. A. resumed his seat.

The main question, viz. "Shall the bill pass?" was then put, and decided by yeas and nays, as follows:

YEAS—Messrs. Adair, Alexander, Chilton Allan, Robert Allen, Anderson, Angel, Archer, Armstrong, John S. Barbour, Barnwell, Barringer, James Bates, Bell, Bergen, Bethune, James Blair, John Blair, Boon, Bouck, Bouldin, Branch, John Brodhead, Bullard, Cambreleng, Carr, Carson, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Corwin, Coulter, Craig, Creighton, Daniel, Davenport, Warren R. Davis, Doubleday, Drayton, Draper, Duncan, Felder, Findlay, Fitzgerald, Foster, Gaither, Gilmore, Gordon, Griffin, Thomas H. Hall, William Hall, Harper, Hawes, Hawkins, Hoffman, Holland, Horn, Howard, Hubbard, Irvin, Isacks, Jarvis, Jenifer, Richard M. Johnson, Cave Johnson, Joseph Johnson, Kavanagh, Kerr, Lamar, Lansing, Lecompte, Letcher, Lewis, Lyon, Mardis, Mason, Marshall, Maxwell, William McCoy, McDuffie, McIntire, McKay, Mitchell, Newnan, Newton, Nuckolls, Patton, Plummer, Polk, Rencher, Roane, Root, Semmes, Sewall, William B. Shepard, Aug. H. Shepperd, Smith, Speight, Spence, Stanbery, Standifer, Francis Thomas, Philemon Thomas, Wiley Thompson, John Thomson, Tompkins, Verplanck, Ward, Washington, Wayne, Weeks, Elisha Whittlesey, Campbell P. White, Edward D. White, Wickliffe, Williams, Worthington—119.

NAYS—Messrs. Adams, Heman Allen, Allison, Appleton, Arnold, Ashley, Babcock, Banks, Noyes Barber, Barstow, Isaac C. Bates, Beardsley, Briggs, John C.

Brodhead, Bucher, Burd, Burges, Cahoon, Chandler, Choate, Collier, Lewis Condict, Silas Condit, Eleutheros Cooke, Bates Cooke, Cooper, Crane, Crawford, John Davis, Dayan, Dearborn, Denny, Dewart, Dickson, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Ford, Grennell, Hiland Hall, Hiester, Hodges, Hogan, Hughes, Huntington, Ihrie, Ingersoll, Kendall, Kennon, Adam King, John King, Henry King, Leavitt, Mann, McCarty, Robert McCoy, McKennan, Mercer, Milligan, Muhlenberg, Nelson, Pearce, Pendleton, Pierson, Pitcher, Potts, Randolph, John Reed, Edward C. Reed, Russel, Slade, Southard, Stephens, Storrs, Sutherland, Taylor, Vinton, Wardwell, Watmough, Wilkin, Wheeler, Frederick Whittlesey, Young—85.

So the bill was passed, and sent to the Senate for concurrence.

Mr. WILLIAMS now moved to postpone all the orders of the day, both general and special, which precede the Senate's bill for the disposition of the proceeds of the public lands. He, however, consented to withdraw this general motion, and allow the orders to be called separately.

They were so called; and when the House had reached the bill for allowing the heirs of Winter to sue the United States to try their title,

Mr. PLUMMER made an effort to induce the House to discuss that bill, but the House refused; and, on motion of Mr. IRVIN, it was laid upon the table.

REVENUE COLLECTION BILL.

The House having at length arrived at the bill further to provide for the collection of duties on imports,

Mr. WILLIAMS moved to postpone this bill until to-morrow.

Mr. IRVIN demanded the yeas and nays on the motion. They were taken, and stood as follows: Yeas 81, nays 105.

So the House refused to postpone the bill.

Mr. DANIEL now moved to lay the bill on the table, and demanded the yeas and nays on that motion. They were ordered by the House. He, however, consented to withdraw the motion at the request of Mr. ARNOLD, who promised to renew the same motion.

Mr. ARNOLD then said he should change his course in relation to this bill, in consequence of the House having passed the bill reducing the tariff. Mr. A. was going into some remarks on the mockery of passing such a bill now, when he was called to order by the CHAIR. After trying several motions, with the view of having it in order to proceed in his remarks, Mr. A. relinquished his design, and, according to promise, moved to lay the bill on the table.

The yeas and nays were demanded on this motion, and, being taken, they stood as follows: Yeas 58, nays 132.

So the House refused to lay the bill on the table.

Mr. MARDIS moved that the House now take a recess until 6 o'clock, and demanded the yeas and nays, but withdrew his motion; when

Mr. DEARBORN moved the previous question on the bill.

The CHAIR was ascertaining whether the motion was seconded; when

Mr. McDUFFIE rose, and asked leave to address an appeal to the House.

The SPEAKER was proceeding in the count; when

Mr. McDUFFIE insisted on being heard.

Great confusion arose; but amidst the cries of "order" and "count," Mr. McD.'s voice was heard, saying that all he asked was fair discussion. If gentlemen were disposed to hear the opponents of the bill, he was ready to meet them; but if not, and if he could get forty men to stand by him, he would continue to move adjournments, and call for yeas and nays, until the end of the session.

Mr. CARSON exclaimed, "I will support you, sir." Several other voices cried out in a similar manner.

The SPEAKER called to order.

Mr. BELL rose, and began to speak, but his words were inaudible, from the noise.

Mr. McDUFFIE moved repeatedly to adjourn.

The SPEAKER called him to order, and admonished him that a member was on the floor.

As soon as the reporter could hear any thing distinctly,

Mr. BELL was saying that he had no wish to cut off discussion, if that was what the opponents of the bill desired; and if they were ready to discuss its merits, and not to put it by, he should not sustain the motion for the previous question.

Mr. McDUFFIE moved that the House adjourn.

The CHAIR decided the motion to be out of order, the House having previously resolved that it would, at a certain hour, take a recess, and meet at 6 o'clock.

Mr. WAYNE believed the bill to be right in itself, but yet circumstances might be such as to induce those who thought so to vote against it.

Mr. W. said he should vote for the bill; but if his friends, by cutting off debate, should refuse to him and others the opportunity of expressing their sentiments, and vindicating their own course before the people, he should vote against it, and there were twenty more that would do the same.

Mr. BELL made some remark not heard by the reporter, which led to an explanation between him and Mr. WAYNE, who concluded by moving a recess until 6 o'clock.

A desultory debate on the question of order now arose on an appeal taken by Mr. CARSON on the Speaker's decision that a motion to adjourn was out of order, which ended in Mr. C.'s withdrawing his appeal.

Mr. DEARBORN explained his reasons for having moved the previous question, which was not to prevent fair discussion, but to prevent a circumventive course, calculated to get rid of or defeat the bill.

Mr. DANIEL and Mr. DEARBORN had some further rather colloquial discussion; when, the hour of 4 having arrived,

The House (according to a previous order) took a recess till 6 o'clock.

DISTRICT AFFAIRS.

At the close of the recess the House met, and went into Committee of the Whole, Mr. TAYLOR in the chair, and took up, according to order, various bills relating to the city of Washington and the District of Columbia.

The committee took up, among others, the bill in addition to an act vesting in the corporation of Washington all the rights of the Washington Canal Company: [To take back the mall lots, and allow, in lieu thereof, to the city one hundred and fifty thousand dollars.]

Mr. MASON, of Virginia, moved to amend this bill by striking out the section which authorizes the Commissioner of the Public Buildings to enclose the mall, and lay it down in grass.

Mr. M. supported his motion by adverting to the usefulness of the ground as an open common to the poor of the city: this he thought much more important than for purposes of mere recreation.

Mr. JARVIS, of Maine, opposed the motion. The ground had been originally intended for walks, and open ornamental grounds, and not for building lots. If it was fenced, and laid out in shrubbery, it would be kept to its original destination.

Mr. WARDWELL, of New York, supported the amendment, arguing that the ground might as well be retained without enclosure as with it.

The question was taken, and the amendment was rejected.

The bill was then laid aside, and the committee took up A bill concerning a penitentiary for the District.

Mr. CONNOR inquired into the number of convicts now in the building.

Mr. WASHINGTON replied, and explained.

Mr. WHITTLESEY asked respecting the appropriation of one thousand dollars for Mr. Carbery's services in planning and superintending the building.

Mr. WASHINGTON replied, and stated his services; he had voluntarily superintended the work for eighteen months, and had disbursed thirty to forty thousand dollars.

Mr. WHITTLESEY supposed that this had been the duty of the Commissioner of the Public Buildings.

Mr. WASHINGTON and Mr. SEMMES explained.

Mr. WASHINGTON moved an additional section allowing the inspectors, during the years 1829 and 1830, the same compensation as to the present inspectors.

Mr. CONNOR opposed the amendment, and asked for information.

Mr. WASHINGTON explained.

Mr. CONNOR moved to strike out the item of allowance to Mr. Carbery.

The motion was negatived, as was also the amendment respecting inspectors.

The committee next took up a bill in relation to the Potomac bridge.

Mr. CONNOR made some inquiries respecting the bill, which were replied to by Mr. WASHINGTON.

Mr. CARSON wished to know how much the President had recommended to be appropriated. So far he was willing to go.

His inquiry having been answered, he withdrew his objection.

Mr. WICKLIFFE said he did not wish to carve out of this appropriation any good fat salary for some man who wished to live at the public expense; he therefore moved an amendment placing the erection of the bridge under the care of the Commissioner of the Public Buildings, and allow him five hundred dollars in addition to his present salary.

Mr. JARVIS opposed the amendment, and referred to the management of the Commissioner in relation to bringing in of water to the Capitol, as a presumptive proof of his incompetency.

Mr. WICKLIFFE explained, and supported the amendment, and referred to a salary allowed to somebody for superintending the placing of plank on the old bridge.

Mr. BURD inquired if the Commissioner was a practical mechanic, and had skill in such work.

Mr. WICKLIFFE replied, and referred to what he had done.

Mr. CONNOR opposed the allowance of $500, and moved to strike it out.

This was negatived, and the amendment agreed to.

The bill was then laid aside.

The next bill taken up was a bill for the benefit of Washington City, (granting a loan of $250,000, to pay up subscriptions to the Chesapeake and Ohio Canal Company.)

Mr. MARDIS moved to strike out the enacting clause of the bill.

Mr. SEMMES appealed to Mr. MARDIS to withdraw his motion. He explained the ample nature of the security, and referred to similar loans granted by States in aid of works of internal improvement.

Mr. MARDIS refused.

Mr. CRAIG thought the constitution did not empower Congress to loan money.

Mr. WASHINGTON went into an explanation of the difficulties and embarrassments of the city. He adverted to the strong claims the city had upon Congress, and mentioned the large sums expended by the corporation in the improvement of spacious streets and avenues: as a resource, they had but waste lots to assess. He referred to the freedom of the Government property from taxation, and reminded the House that the taxes, if exacted from the settlement of the city, would have amounted to more than a million of dollars. The Government had, in the meanwhile, received eight hundred thousand dollars for the sale of lots given to it.

Mr. W. also reminded the House that, in the thirty years it had been located in the city, it had expended but 186,000 dollars; the greater part for jails and penitentiaries. As to the appropriation for the bridge, it was not to be charged to the city as a donation, having been granted for the accommodation of the mail; and the improvement of the avenue had been mainly for the accommodation of the departments and Congress. The only donation to the city had been a number of lots, which had originally cost the Government 3,000 dollars, and no more. The Government property in the city was now valued at 1,970,000 dollars, exclusive of buildings. All nations had some objects of national pride: the Englishman, the Frenchman, boasted of their respective capitals, and the beautiful erections which adorned them. But with us there was little for this to rest on. Mr. W. concluded an eloquent speech, by adverting to the great importance of the loan to the prosperity of the city.

Mr. WHITTLESEY opposed the motion to strike out the enacting clause. He regretted it had come from a citizen of one of the new States, all of whom had experienced much of the liberality of the Government. He adverted to the embarrassed state of the public funds; the liberal expenditures of the citizens; their heavy burdens, and the reasonable nature of the request of the corporation. It was but a loan, and at 5 per cent. interest—a rate that the miser was content with. The Western country had once been indebted to the amount of millions to the Government, from which the legislation of Government had relieved them. There was not a session for years back, that the House had not granted more to Alabama than was now asked as a loan. If the District lay at the extremity of the Union, instead of doubting about the constitutionality of a loan, there would be no hesitation in granting a donation.

Mr. CRAIG went into a constitutional argument to show that Congress had no power to lend money.

Mr. WHITTLESEY replied, and adverted to the loans granted by Congress to the banks of the District, and he believed in some of the Eastern cities also. If it was unconstitutional to loan, let him make a donation; this would relieve the gentleman. Or he might give up the interest. Large grants had been made for the education of young men, in which Virginia had largely participated. If gentlemen would amend the bill so as to make a donation of the money, Mr. W. would go for it.

Mr. DEARBORN said the Government had loaned millions to the Bank of the United States, since that institution had been incorporated. If a surplus was in the treasury, must it lay there unproductive, on a constitutional scruple?

Mr. JARVIS moved an amendment, to get rid of the constitutional difficulty, by granting, instead of loaning. He wished the House not to be beguiled or deceived. Not a dollar of the money would ever be seen again; nor did he wish it. He would not vote it as a loan, but would as a donation.

Mr. MASON, of Virginia, said it was very ungracious to oppose such measures as this; but he wished to know what had been done with the million of dollars secured by Government on the subscription of the city.

Mr. WASHINGTON said the gentleman was mistaken: the Government was not responsible for that money, nor for the interest on it.

Mr. MASON resumed, and observed, that if the stock in the Canal Company was worth any thing, it ought to be transferred to the Government. But he hoped the bill would either be rejected or modified.

Mr. MARDIS replied to Mr. Whittlesey, and called on him to show how Alabama had received such large donations from the Government.

Mr. WHITTLESEY replied, and recalled his recollection to debts forgiven to Alabama to the amount of more than a million of dollars. He did not complain of this policy, or suppose it disgraceful to Alabama. Besides the remission of debt, large landed donations had been made to her; and something was due to the District, as well as to the new States and Territories.

Mr. MARDIS acknowledged the correctness of these sentiments, but said, if Government had not pursued this policy, it would have lost most of the money. As to the donation for the Muscle shoals, Alabama has less interest in it than any of her neighboring States. He protested against the bill, as an extravagant and obnoxious measure, and asked the yeas and nays on his motion.

Mr. BARBOUR complained of the distrust and jealousy which always existed when any beneficial object was proposed for the prosperity of this District. He replied to Mr. Craig's constitutional argument, by advert ing to the constant practice of Government in charging interest, and imposing taxes for use of money in the hands of defaulters. He dwelt upon the absolute and despotic power of Congress over the District, and argued on the unlimited power of Congress to benefit it. He put the question to the House, as copartners with the District in canal property, whether they would let all that had been done in that work perish, by refusing aid at this crisis of the District affairs.

Mr. CAMBRELENG viewed this bill as substantially being a measure to aid the Chesapeake and Ohio canal. The security offered amounted in effect to nothing. He protested against appropriation after appropriation for a District, on which Congress had lavished more than on any other portion of the Union. He rendered many thanks to Mr. Mardis for his motion.

Mr. MERCER replied to Mr. Cambreleng, and denied that the bill had more connexion with the promotion of the canal, than the direction in the bill that the city should pay the money for its stock. It did not add one dollar to the stock of the company.

He explained the nature of the security to the Dutch lenders to the company. The real object of the bill was a loan, not to the company, but to the city.

Mr. M. answered Mr. Craig's constitutional argument, and insisted that Congress had all the power in respect to the District, which a State Legislature has to the State; and all the Legislatures had made loans to their own citizens. He said he should not vote on the bill, as he held one share (and no more) in the company. He denied that the Government had done more, or as much as it had for other parts of the Union. The great buildings it had erected were all for public purposes—not for the benefit of the District at all: and except these, what had been done, save the paving of the avenue? As to Alabama's interest in the improvement at the Muscle shoals, it was at least as great as that of the District in the Chesapeake and Ohio canal.

Mr. CAMBRELENG thought what Mr. Mercer had stated was the best reason for rejecting the bill. The gentleman had exhibited an insolvent corporation, asking a loan to help them to pay up their subscription, while all their property was mortgaged to the Holland lenders. He would not do indirectly what he would not do directly. He protested against the bill.

Mr. McDUFFIE said that, during all his experience, he never had known so wanton and reckless a proposition as was now submitted—after the corporation had borrowed a million, to ask to lend one hundred and twenty-five thousand more. It was not a loan, but a gift. He trusted the House would not be guilty of such wanton waste.

Mr. CARSON said the proposition was wholly new to him; he was not prepared on the constitutional question. If the Government had a great surplus, it was better to loan at 5 per cent. on good security, than make a donation to the same amount. If there was to be a great amount in the treasury, he would rather loan it than have a scramble for it. The question then was whether the city had the capacity to pay back the money, or to return the interest. He did not admit that the city was insolvent, and would regret that the Dutch lenders should think so. A man might not be able to pay his debts to-day, and yet not be insolvent—but, with time, would pay his debts with interest. Mr. C. would rather never receive back the money, than see the city crushed. He was opposed to dividing the surplus revenue among the States, but would rather loan it at 5 per cent. He should, therefore, vote for the bill, reserving himself on the constitutional question.

Mr. THOMAS, of Louisiana, said he was a father, and asked how he should treat his children in distress? Every father would lend them a helping hand. Had the District any representative on that floor? Yes; in every man there. If, when his children asked for bread, he gave them a stone, he should be a poor father. The people of the District had nowhere else to look. Though they might be in difficulty, they were not insolvent. They had property to the amount of eight millions. Congress only wanted the will, they had the power to aid the District. Good security was offered; and let Congress supply their wants. Yea, more—if they needed it as a donation, he felt his heart say, "take it."

The question was then taken, and Mr. Mardis's amendment was negatived: Yeas 59, nays 74.

Mr. JARVIS moved to amend the bill, so as to change the loan into a donation. The amendment was agreed to: Yeas 71.

Mr. HOWARD referred to a memorial from the Baltimore Railroad Company, and offered an amendment. He regretted that the memorial had excited so much feeling, that a public meeting had been held on the subject. One of the reasons stated by the corporation of Washington, charged the Railroad Company with censurable conduct, and the memorial only repelled this attack. Mr. H. went into a brief retrospect of the history of the contest between the Canal and Railroad Companies; with a view of exculpating the latter from the blame which had been cast upon it. Mr. H. said the amendment he was about to offer was the very thing asked by the meeting held in the city a short time since.

He then offered his amendment, directing, in substance, the President to appoint three impartial persons to investigate the conduct of the two companies, say whose conduct had been the most fair and liberal, and to pronounce what ought to be performed by either or both (the Canal and Railroad Companies) on principles of law, justice, equity, and a true regard to the public good.

The amendment was rejected without a count.

The committee then rose, and reported the bills to the House, and they were ordered to their third reading, with the exception of the loan bill. The question being on concurring with the amendments proposed to this bill by Mr. Jarvis, changing the loan into a donation, the yeas were 66, the nays 20—no quorum having voted. An adjournment was moved, but negatived.

Mr. WASHINGTON then demanded the yeas and nays on the question of concurrence. They were taken accordingly, and stood as follows: Yeas 68, nays 27.

There being no quorum present,

The House adjourned at 10 o'clock.

WEDNESDAY, FEBRUARY 27.

REPORT ON THE TARIFF.

Mr. ADAMS moved to discharge the Committee on Manufactures from the consideration of so much of the President's message as relates to the protection of domestic manufactures, and from all other matters referred to them; and asked leave to present a report from the minority of the committee on the matters in the message.

At the suggestion of Mr. HOFFMAN, the motion was divided, and the question first taken on discharging the committee, and agreed to.

Mr. HOFFMAN then said that if leave should be given to present the report of the minority, he would ask for its reading, at least in part.

The report was then presented, [see Appendix,] and the reading of it commenced, and continued until 12 o'clock, when the House proceeded to the orders of the day.

REVENUE COLLECTION BILL.

The Senate's bill further to provide for the collection of the revenue (the enforcing bill) coming up in order,

Mr. VERPLANCK moved that the consideration of that bill be postponed until the next day, in order that the House should take up the appropriation bills, several of which remained to be acted upon.

Mr. WICKLIFFE observed that there seemed to exist a disposition in the House to pass this bill; but he put it to gentlemen whether it was right and fair to postpone the consideration of it so far that those who might be opposed to its passage should have only time enough left them to say no, but not to state the reasons for their vote. The House was bound to allow at least time enough for a fair discussion of the bill. If they preferred acting on it now to taking up the appropriation bills, they would vote accordingly.

Mr. CAMBRELENG hoped the House would take up the appropriation bills; but as there would be probably no need of any debate on the items of these bills, there would be no need of postponing the other. This was the last day of the session on which bills could be discussed. The appropriation bills would have to be read a third time to-morrow—to postpone would be to destroy them.

Mr. BELL trusted the House was not going to occupy another day in determining whether it would take up the bill. The gentleman from New York [Mr. CAMBRELENG] must know that it was in the power of the House to suspend the rule which forbade bills being sent from one House to the other in the three last days of the session; and if the bills referred to were of so much importance as gentlemen represented them to be, no doubt the rule would be suspended. He trusted that the House, after having already occupied two days in getting at the bill, would now, when its opponents were prepared to present their views, take it up and act upon it. He trusted other measures would not be suffered to intrude, and push it on one side. It was due to the country, it was due to the friends and to the opponents of the bill, that it should be disposed of.

Mr. SUTHERLAND said that though he had, on a former day, voted to bring up this bill, he was unwilling to do so now. If the House once entered into the debate, it would do nothing else all day, and the appropriation bills must be set aside. The gentleman from Tennessee had observed that the House could suspend the rule about sending bills to the other House; but did not the gentleman remember that this was a joint rule of the two Houses; and that, unless the Senate concurred, it could not be dispensed with? Mr. S. was opposed to taking up any Senate bills at this moment: it would peril the appropriation bills—without which the Government could not proceed.

In reply to an inquiry of Mr. HOWARD,

The CHAIR stated that it would not require a vote of two-thirds to suspend the rule: a majority would be sufficient, provided the Senate should concur.

Mr. WICKLIFFE asked whether it was now in his power to demand of the Chair whether the bill did not require to be committed to a Committee of the Whole.

The SPEAKER replied in the negative. The Chair should give no opinion upon that question.

Mr. WICKLIFFE said that the reason given by the gentleman from Pennsylvania [Mr. SUTHERLAND] for changing his course in respect to taking up the bill, was the reason which induced Mr. W. to do the same. It was sometimes well understood in that House, that certain things were to be done when they were not spoken aloud upon the floor; and it might be that a calculation existed somewhere, that, unless this bill should be passed in the House, the other bill lately returned to the Senate, and intended to effect a compromise of the tariff question, would not be passed by that body. Might not some gentlemen be actuated by such an idea? Now it was a calculation of this kind which satisfied him that the House ought at once to take up the bill and act upon it. Let the opponents of the bill argue the question while there was time to argue it. Mr. W., for one, had no idea of having the previous question sprung upon the House at midnight on Saturday.

Mr. DEARBORN inquired whether Sunday was not to be included as one of the three last days of the session, referred to in the rule.

Mr. ADAMS quoted the journal of the House to show that it had been so considered, and that, on some occasions, the House had done business upon that day.

Mr. DEARBORN then said that the House still had Friday, Saturday, and Sunday before it.

Mr. VERPLANCK said it was very true that, if the consent of both Houses could be obtained, the rule might be suspended. But there were a number of highly important bills from his own committee still waiting the action of the House, and in which great difference of opinion existed. Among these were the Indian appropriation bill, and the bill respecting the Cumberland road. All Mr. V. desired was, to do his duty, and not to suffer these bills to perish in his hands; and he appealed to all who had the passage of these bills at heart to aid him. The bill now pressed was a Senate bill, and might be considered on the last days of the session; but the others must be acted on now, or not at all.

Mr. WAYNE inquired whether the object of the gentleman from New York [Mr. VERPLANCK] would not be as well accomplished, if the House should consider the appropriation bills in the evening, after a recess.

Mr. CAMBRELENG hoped this proposal would be acceded to.

Mr. DANIEL said he never would give his consent again to take up appropriation bills at a night session: for as surely as the House did so, they were sure to give every thing that might be asked of them. He was opposed to having a recess. He was pledged to meet this force bill fairly and openly, and he should do it. If gentlemen chose to take a dictator, let them do it.

Mr. HOFFMAN hoped the bill would not be postponed. Its opponents were ready and anxious to be heard. It would be better to put off the appropriation bills until to-morrow, than to have the debate on this bill deferred to the end of the session. He was desirous of hearing their arguments; and he trusted the time would not be taken up in side-way motions, productive only of delay.

Mr. McDUFFIE said he should vote for the proposition of the gentleman from New York, [Mr. VERPLANCK,] but he had one or two words to present to the House. The bill passed yesterday, and now before the Senate, had been professedly designed as a bill of conciliation;

it had been held out as the olive branch of peace; as such it had been received. The South had taken it as a compromise. They had accepted it as the olive branch of peace. Now, he put it to the justice of the House—to the magnanimity of the House—whether it was becoming to send this olive branch fettered by an alternative of the sword of blood. Whatever might have been the views of gentlemen heretofore; whatever notions they might have entertained of the rights of the General or the State Government in this conflict, there could be no necessity now for passing such a bill as this. He would add, that if any thing could convert that which had been sent out as a blessing into a curse; if any thing could change an act of conciliation into an act of insult and of provocation, it would be the passage of such a bill as this. Let the House stand still where they were—let this bill be postponed indefinitely, or laid upon the table, and he was confident the previous measure would have a healing efficacy on the Southern part of the Union; but should this bill, or any thing like this bill, pass, Mr. McD. would not be responsible for the consequences. He trusted the House would take measures to postpone the bill finally and forever. If the House were prepared to act upon these principles, he hoped they would accord to the gentleman from New York [Mr. VERPLANCK] what he had asked, and that the bill would not be taken up at all. But if the bill was to be taken up and passed, it was indifferent to him when.

Mr. BLAIR, of South Carolina, said that his colleague [Mr. McDUFFIE] had told the House that he regarded the bill passed yesterday on the tariff question as the olive branch of peace; but the gentleman had it not in his power to say that it would be so regarded by the convention which had framed the nullifying ordinance, and which was again to meet on the 2d Monday in March next. All he could do on that subject was to express a hope. Mr. B. would remind the House of what he had said the other day, viz. that the House had no warrant to believe that the nullifiers would so receive the bill: for they have expressly declared to all the world, that unless the protective policy should be wholly and utterly abandoned, no other modification of the tariff would be acceptable to them. They had positively said that they would be satisfied with no bill which should recognise the protective principle in any shape. Now, they all knew that the bill passed yesterday retained the protective principle unimpaired. If the House should stop where it was, they would put all at the mercy of the dominant party in South Carolina. Those men would never be satisfied with the tariff bill; all its provisions were insufficient to come up to their demands. They might proceed to practical nullification and secession, declare the State out of the Union, confiscate property, and peril even the lives of the Union party. Something certainly was due to those who had taken their stand for the Union and the laws. Let the consequences of this bill be what they might, it was due to the friends of order in South Carolina. Mr. B. disclaimed all fears of a personal nature. Whether the bill should pass or not, come what would, he could assure the House of one thing, the Union party of South Carolina would choose extermination before dishonor.

Mr. BEARDSLEY said that South Carolina had declared, upon her sovereignty, that the tariff laws of the Union were null and void; and if so—

Here the CHAIR reminded Mr. B. that the question before the House was on postponement, and that the merits of the bill could not be gone into.

Mr. BEARDSLEY said he had no purpose of discussing the merits of the bill: and he would merely add that that State, upon grounds to which she still adhered, had denounced the tariff laws as unconstitutional and void, and had put her power in array to prostrate the laws of the Union at her feet: and hence the necessity of passing the law before the House. The gentleman from South Carolina [Mr. McDUFFIE] had said that the bill of yesterday was a bill of compromise, and that he so received it; and he had further expressed his belief that it would be so viewed and so received in South Carolina. But the gentleman could not but be aware that the representatives of that State in this House did not represent the sovereignty of the State, but the convention did; and it was the convention who had declared the revenue laws null and void. Now, the bill of yesterday went just to re-enact the bill of July last, which bill the sovereignty of South Carolina had declared to all the world was null and void. Now, though such might be the opinion, or the hope, of the honorable gentleman, what security had the House that such would be the view of the sovereignty of South Carolina? and that the army of 12,000, now in arms against the laws of the Union, would be disbanded? or her courts, now shut against the officers of the Government, would be opened? If the gentleman was authorized to give the House such an assurance, let him stand up and give it. If South Carolina desired peace, and would disband her army, and submit to the laws, well; but if not, Mr. B. hoped the bill would pass, and not be postponed.

Mr. CLAYTON observed that more questions had been asked than could be answered now, when the time allowed for discussion was so limited. The honorable gentleman had said that the House had no assurance that the South would accept the tariff bill of yesterday as a compromise. But Mr. C. would appeal to the liberality of the gentleman to say whether more was ever required by the House than the assurance of the representatives of any one State as to her views and purposes. The House had had the solemn assurance of a gentleman residing where the greatest grievance was said to exist; that gentleman had no doubt that the bill would be considered as a measure of pacification. Mr. C. concurred in this opinion most fully, but he could go no further. He had no hesitation in saying that the bill would give peace and quietness to the whole South. And why was he warranted in coming to such a conclusion? Because but two members from that whole section of the Union, extending from the Potomac to Louisiana, had voted against the bill. Could there be a clearer evidence? If, after having reflected on the matter for two days, and suffered the ebullition of political feeling to subside, with the prospect of so soon separating from each other, any man could still cherish a purpose of passing such a bill as this, Mr. C. would say to him, is it not better to try to put the General Government nearly in the right? Is it not better to try the effect of the peace-offering we have held out, before we think of measures of the opposite character? If the tariff bill should not give peace to the country, it would place the States which should continue to disturb its peace in such a situation as would justify the convening of Congress immediately: and all could then judge which party was in fault. Nothing very material could take place before that time: and such a bill, if passed then, would have tenfold more influence than at present.

But if the House should send the South a bill of compromise, with a finger-board attached to it, pointing to a threat, and intimating that it was merely offered with a view to pacify the State for the present moment, that the Government might, with the greater pretext of justice, come down upon it with vengeance, what must be the probable, the natural consequence? Gentlemen should reason in that House as they reason when out of it. Suppose, in private life, a proposal for compromising a personal disagreement should be accompanied with a distinct intimation that if the offer should not be promptly received, the party would immediately be put to the sword; would any high-minded man accept it? Would

not the threat ensure the rejection? If gentlemen were swayed by weight of argument, and not carried away by their passions; if they honestly wished to make an experiment for the pacification of the country, they would promptly reject a bill like this. He concluded by moving to lay the bill upon the table.

Mr. BEARDSLEY demanded the yeas and nays upon this motion; whereupon,

Mr. CLAYTON withdrew his motion.

Mr. BURGES then said that he believed that it would not be suspected of him that any thing he should say was prompted by any wish to aid the present administration, further than in matters intimately connected with the safety of the country; he denied, however, for many reasons, that the present administration measure should succeed, and the bill be passed; therefore he was opposed to the motion to postpone. The lingering step of days had brought the House to almost its last day; and they had cried "to-morrow" and "to-morrow," till but two or three more to-morrows remained to act in. He would not say that to postpone now would be to defeat, but all must see that such might not improbably be the result. All, then, who believed the bill ought to pass, would vote against the postponement. The House had heard it urged that the bill ought not to be acted upon till they should hear from South Carolina how the bill of yesterday was received. In the name of Heaven, did gentlemen expect that House to do nothing until they should hear authoritatively how South Carolina would receive the conciliatory measure already agreed to? Who there could tell? He readily granted that there might be gentlemen on that floor who were most intimately connected with the movements in that quarter, (he should not now attend to the christening of those measures; that would be the office of history,) and those gentlemen might know that the combustion was gathering strength daily from the fuel around it; but who could tell whether the littie taper we had sent to the South would be equal to the flame it might encounter there? But, admitting that the bill would be received as peace, and that South Carolina intended submission to the laws; if so, where could be the objection to a bill which only went to declare that in all the States of this Union the laws shall be obeyed? Mr. B. had been brought up in a region where obedience was required from all, and yielded by all.

[The CHAIR here interposed, and reminded Mr. B. that the question was on postponement merely.]

Mr. B. said he had been endeavoring to show that, if the House postponed the bill, it must be lost. If, as has been alleged, the bill was in accordance with what was doing in South Carolina, why not pass it? What harm could it do to those who meant to obey the laws? If it was obnoxious to South Carolina, it must only be because she meant not to obey them; the United States were bound to give the people of that State a republican form of Government, and to protect the Union party against the dominant faction who were for overturning all order. Mr. B. had no idea that any thing but the power of the United States would silence that opposition which had provided the military means for the utter overthrow of the Government.

Mr. CARSON said he hoped the House would cease to debate this question. Let the vote be taken on postponing, and if there was a majority disposed to pass the bill, they would of course refuse to postpone. Those opposed to it would vote for the motion. Mr. C. considered it as a test vote. If the bill must pass, let it pass at once, and be done with it.

Mr. WAYNE requested Mr. VERPLANCK to withdraw his motion to postpone. It could not answer the purpose he intended, and only operated to hinder the bill from being discussed. The gentleman had two conflicting responsibilities; he was in a strait between his appropriation bills and the incidental debate which had arisen. Why not at once withdraw the motion, and let the House discuss the plain question before it? To-morrow would be in time for the appropriation bills. Mr. W. was indeed opposed to sitting on Sunday, unless there should be an obvious necessity for it, but this now existed. He remembered when a gentleman from Maryland, at a former session, who was very anxious to prevent the passage of certain bills, had brought the bible into the House, and read it to the members to awe their conscience, but it had been in vain: the House had proceeded to legislate. He hoped the gentleman would consider the attitude in which he stood, and would consent to withdraw the motion.

Mr. VERPLANCK said he had not invited the debate for which it was attempted to hold him responsible; but, as the gentleman's remarks were evidently sincere, to obviate difficulty, he would move the previous question on postponement.

Mr. V., however, did not press the call.

Mr. INGERSOLL urged Mr. V. to accede to the request of his friends. He had the passage of the appropriation bills as much at heart as any one could; but the motion to postpone would not secure that object, and only tended to embarrass the House. The motion, he knew, proceeded from the best motives, but had not received the sanction of the committee over which his friend presided.

Mr. HAWES said he should vote to postpone. He hoped the House would take one more night to reflect upon the bill, and that it would then be laid aside entirely. A man must be credulous indeed to believe that the convention of South Carolina would not withdraw their opposition the moment they should get news of the bill of compromise which had been passed. He saw no reason why the Government must issue a declaration of war against South Carolina, when but yesterday it had extended the hand of peace and conciliation. This bill was neither more nor less than a declaration of war against that sovereign State.

The CHAIR admonished Mr. HAWES that it was out of order to go into the merits of the bill; the question was on postponement.

Mr. DANIEL said he should like to know of those who were for the postponement, whether they were right certain they could pass the appropriation bills in case there should be one refractory member. He merely wished to ask whether, supposing there should be one or two opposed to passing those bills, they could not keep off the the passage of them as long as they liked by continuing to offer amendments in Committee of the Whole. The bills could not be got out of committee while a single amendment was pending. And were gentlemen ready, for the sake of this bloody bill, to starve the whole civil list? In their zeal to vindicate the honor and glory of the Government, would they put the Government in jeopardy of starving to death? He was opposed to the postponement; he could not but recollect that he himself ate occasionally; and he had more charity of feeling than not to wish all to live and let live. He was anxious to get at this bill, this bloody bill. The bill would do him no injury; but he knew those to whom its passage would be like swallowing a live catfish.

The question was now put on Mr. VERPLANCK's motion to postpone, and decided in the negative: Yeas 70, nays 127. So the House refused to postpone the bill.

Mr. CARSON said that his motion to refer the bill to a Committee of the Whole on the state of the Union being still before the House, if it should be withdrawn, the bill itself would then be a legitimate subject of discussion. To persist in his motion would be useless, and he should therefore withdraw it. The bill being now before the House, he wished to offer a few ideas upon some of its provisions.

[Mr. WICKLIFFE here made a question of order,* and insisted that the bill ought to go to a Committee of the Whole House, and there receive its first discussion. This was required by the spirit of a decision made by the Chair a few days ago.

The CHAIR replied that this question had been already decided. The Chair had pronounced the decision some days ago, that this bill did not require to go to a Committee of the Whole.]

Mr. CARSON resumed, and had just remarked that this was the eighth year he had served in that hall--when

[Mr. COKE rose to order, and inquired whether this bill was first to receive the action of the House in the House itself, or in a Committee of the Whole?

Mr. WAYNE called Mr. Coke to order, as making a question which was already settled.

Mr. ARNOLD called Mr. Wayne to order.

The CHAIR called all the gentlemen to order.

Mr. COKE said that the rules of the House required that a bill of this character should first be considered in a Committee of the Whole House. This was a preliminary question, and must first be decided.

The CHAIR said the question had been settled, and the gentleman from North Carolina was entitled to the floor.

Mr. COKE requested Mr. Carson to yield the floor, that this question might be discussed.

Mr. CARSON said he had not been treated with kindness, and did not feel himself under any obligation to comply with the request. He should not yield the floor.

Mr. MERCER rose, by permission of the gentleman from North Carolina, to say that, as no proposition had been made by that gentleman, no point of order could legitimately be raised.

The CHAIR again declared that the floor could not be taken from the gentleman from North Carolina, who was entitled now to proceed.

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* TO THE EDITORS.

Washington, *March* 1, 1833.

Messrs. Gales & Seaton: The question of order raised by myself, on Wednesday, in the House of Representatives, when the bill for collecting the revenue was called up for consideration and discussion in the House, is one, in my opinion, of too much importance to permit it to pass with the brief notice taken of it in your report. I must, therefore, in order to relieve myself from the imputation of making captious objections, ask the liberty of inserting the questions in the columns of your paper, and desire that they may be translated into your Register of Debates.

By the 101st rule of the House, it is declared that "No motion or proposition for a tax or charge upon the people, shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House."

The 103d rule provides, that "All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House."

It is presumed that the object of these rules was to ensure to a minority in every case, a full, free, and unrestricted discussion in a Committee of the Whole, where the freedom and latitude of debate are greater than in the House.

The adoption of these two rules was designed to have the effect of compelling a majority to submit their measures for free discussion to a Committee of the Whole, when they could not, by the use of the previous question, prevent all debate, and thereby also protect the deformity and iniquity of their high-handed measures, involving and drawing after them large expenditures of public money from exposition and just reprobation.

Believing that the bill entitled "An act further to provide for the collection of duties on imports," was a measure coming within the purview of the rules above, and also believing the principles involved in the said bill were of a character which required a full, free, and unrestricted discussion, I felt it my duty to raise the question of order, particularly when I saw and witnessed a demand for the previous question sustained by an overwhelming majority, before the bill in fact had ever been read in the House. The time to present the question was, when some member had commenced the discussion of the bill in the House upon its merits.

When the member from North Carolina [Mr. Carson] commenced the first discussion upon the merits of the bill, therefore, I raised the question of order, and demanded that the Speaker should decide whether, under the two rules above cited, the bill must not receive its first discussion in Committee of the Whole House. What followed is copied below, from the minutes of the Clerk:

"Mr. Carson withdrew his motion to commit the bill to the Committee of the Whole House on the state of the Union, and proceeded to discuss the said bill; when

"Mr. Wickliffe rose to a question of order, and stated that this was a bill which, by the rules of this House, must receive its first discussion in a Committee of the Whole House.

"The Speaker decided that it was not in order for the member from Kentucky [Mr. Wickliffe] now to raise the question of order, and thereby to deprive the member from North Carolina [Mr. Carson] of the floor.

"From this decision Mr. Wickliffe appealed; and the question was put, Shall the decision of the Speaker stand as the judgment of the House? and passed in the affirmative."

Thus it will appear that the honorable Speaker decided that it was out of order for a member to raise this important question of order, because thereby it deprived the member from North Carolina, for the time being, of the floor, and the House sustained that decision. However incorrect I think this decision to be, I do not design to discuss it, but I must be allowed to say it was a very ingenious mode to avoid a decision upon the main and important question, whether this bill, by the rules of the House, must not have its first discussion in Committee of the Whole House.

I will point to some of the features of the bill, in order to see whether it is a bill or proceeding touching appropriations of money; whether it is a bill, which by its provisions may involve "a charge upon the people."

Under the first section of the bill, the President is authorized, whenever, in his discretion, it may be necessary for a particular purpose, to call into his service the entire military and naval power, and the entire militia of the United States. Is this a bill which draws after it "a charge upon the people" whenever the President shall execute the mandates of this law?

If it were a law declaring war against a foreign State or Power, would it be contended that it involved no "charge upon the people?"

When the whole military arm of the Government is put in requisition, will it be contended that "no charge" is raised "upon the people?"

It was because I was denied the opportunity of presenting this question for the decision of the Speaker, that I appealed, and the decision, as pronounced, is, that a member has not a right to raise a question of order, because, by doing so, he would thereby deprive a member (who may be speaking to a question out of order) of the floor. Respectfully,

C. A. WICKLIFFE.

From this decision Mr. WICKLIFFE took an appeal.

Mr. TAYLOR made some remarks, imperfectly heard by the reporter, the substance of which, however, was understood to be, that the Speaker had no power either to prevent the House from committing the bill, or to compel it to do so. The House was perfectly free, and might take whichever course it should prefer.

Mr. McDUFFIE said he trusted that the gentleman from Kentucky [Mr. WICKLIFFE] would not press his question of order. It must be perfectly obvious that it would be utterly unavailing. It was obvious that a majority of the House was determined to act upon the bill, without committing it, and he would throw no difficulty in its way: to persist would only give the majority a pretext for calling the previous question. He was for meeting the question fairly and openly.

Mr. DANIEL said that if the rule declared the bill must go to a committee, that rule could not be changed but by a vote of two-thirds of the House.

After some further very desultory discussion as to the question of order, the Chair stated its decision substantially as follows:

The Speaker having been asked whether this bill required commitment, had said that, in his opinion, it did not. The gentleman from North Carolina had then moved to commit the bill, but had subsequently withdrawn the motion, and commenced to discuss the merits of the bill. Under these circumstances, the Chair had decided that the gentleman was entitled to the floor, and could not be deprived of it by a question of order as to the commitment of the bill.

The question was then put, and the decision of the Chair affirmed without a count.]

Mr. CARSON thereupon resumed the floor, and continued the course of his remarks.

From the obvious majority against him, it would have been useless for him to persevere in attempting to get the bill committed; and therefore it was that he had withdrawn his motion. He now rose to perform a solemn duty; such a one as he had once hoped would never have been his lot, and one which filled him with the deepest regret: it was to part with a number of gentlemen with whom it had been his pride and pleasure heretofore to act. But the hour was come in which he was called to separate himself from them. He regretted this the more, as he knew that it would operate as a banishment of himself from the regard of a man whom he had delighted to honor; a man whom he had served, if not with as much ability, at least with as much honest zeal as ever son felt toward the person and the reputation of his own father. Never had his heart known such a feeling of devotion toward any human being, unconnected with himself by blood, as toward Andrew Jackson. But he had arrived at the spot where they must part. Lear had banished his Cordelia, and had divided his estate between Regan and Goneril, because they were more vociferous in the profession of their attachment than his poor Cordelia. He had banished, too, the honest Kent. Yet Mr. C. felt it to be difficult, when the affections of the heart had once been so devoted, to indulge in any expression of censure, even where the object of those affections was most in error. He felt, on the contrary, that he would rather hide such things from the world, and let them be consigned to perpetual oblivion. But this bill—how could it be hidden? He met it on his way; he had not gone to seek it; it met him, and he could not avoid it. God knew what had been his feelings on first perusing it. He saw at once that the line of separation was drawn forever. The fault was not his. The measure had broken upon the nation like a thunder clap; it was not merely Mr. C.'s misfortune, but that of the whole American people. With the popularity he enjoyed, that individual could have done more good than any other man since the days of Washington. But, in proportion to the power of doing good, was the corresponding power of doing injury. That injury was now about to be inflicted. It would be inflicted by this bill. Mr. C. might be mistaken in this foreboding; and when he saw himself separated from so many of his friends in relation to it, he wished he could believe that he was; but he could not see such a bill about to pass without offering some feeble opposition to it. He would remind gentlemen with whom he had formerly acted, and who now were prepared to vote for this bill because it had the Executive recommendation, of some things that seemed to be forgotten. He was well aware that they acted under a high sense of duty, and considered themselves as having a high moral duty to perform. But he would recall their recollections to the sessions of 1826-'7, when a gentleman was President who now sat near him in that House, [Mr. ADAMS.] The Executive had sent, during that session, a message to the House having reference to the execution of a treaty with the Creek Indians. In that paper he had very strongly squinted at the employment of force. He had spoken in it of a "superadded obligation" arising from his oath of office. Mr. C. and his coadjutors had pounced upon the passage as hungry pikes would pounce upon a roach. They were all ready in a moment, with their gaffs on, to fly at the man who had presumed to send such a message to that House.

[Mr. C. here quoted the message.]

In the first part this paper said that the author abstained from using the force in his control, because he knew that those who opposed the execution of the treaty were acting under the laws of a sovereign State, and believed that they were doing their duty. Now, Mr. C. would say to gentlemen who had voted with him on that occasion, that before they voted for the present bill they ought to go to that gentleman and ask his pardon. It was due to themselves. It was due to him. Every one recollected what a sensation that message had produced in the House; every one must remember the able report upon it in the Senate. Yet there, the Executive abstained from using force, because the individuals were acting under the authority of a State. Compare this language with the bill now before the House; it was Hyperion to a Satyr. Compare the bill with the alien and sedition law—that odious act which had been virtually repealed by the public sentiment of the American people—and it dwindled into insignificance. A comparison of the two bills would be sufficient to convince any man of the character of this measure. The alien law empowered the President to order such as he might consider dangerous and suspected aliens to depart from the country; and if they refused, to imprison them.

[Here Mr. C. quoted the alien law.]

That bill permitted a man to be tried by his peers; but did this bill permit any such thing? Did the alien bill send a sword? No; but look at what this bill provided. [Here Mr. C. quoted the clause in relation to unlawful assemblages of people.] "May be deemed"—deemed by whom? Why, by the President, to be sure; or by a creature he should appoint. What did this bill do but put a sword into the hand of the Executive against his fellow-citizens? It empowered him to ride rough-shod over the sovereignty of a State of this Union. The advocates of the bill might deny the fact; but what had produced the act? Was it not the sovereign action of a sovereign State? And what had the House heard this day and yesterday from a native son of Carolina? from a gentleman indebted to her for his birth and his existence? That this bill was all-important to heal the wounds of a minority of that State.

[Here Mr. MITCHELL, of South Carolina, interposed, and flatly denied that he had said any such thing.]

The gentleman certainly had said that it was due to the

Union party of South Carolina that the bill should pass. And why? It gave the collector of the revenue at Charleston, with one or two others, power to call out the forces of the whole American nation, to put down the sovereignty of a State acting through a majority of its citizens. That was plainly the view of the bill, and of those who supported it; it was to put South Carolina down; it was to put her leaders down; none could doubt this. The law, indeed, was general in its language; and it might even now be brought to bear upon Massachusetts, as rightfully as upon South Carolina; for the Massachusetts Legislature had passed a law which certainly squinted hard at nullification; the weasel was in part out of the bag, though they could not yet see the whole of him. And the tariff bill might yet raise storms at the North, which would require such a bill as this to quell. Though now the bill was receiving the aid of all the Eastern States, the time might yet come when those States would themselves be lashed with the whip they had put in the hands of the Executive.

The remarks of the gentleman from New York [Mr Beardsley] showed the lawyer, and were better suited to the meridian of a county court than to the halls of Congress.

His friend from South Carolina [Mr. McDuffie] had said that the bill which had been held out as the olive branch of peace would, he doubted not, be accepted as such. In reply to this, gentlemen had said that his friend, and others from South Carolina, were not to be believed in this assurance, because members on this floor did not represent the sovereignty of a State, but the South Carolina convention did, and that therefore the convention alone could act and speak on the subject. But what was said by the papers against nullification? Did they ascribe the heats in South Carolina to the convention? Or did they ascribe them to his friend and to his coadjutors? The language of those papers was, "Calhoun, McDuffie, Hamilton, and Hayne, and a few others, have led the people of South Carolina into an error, and they it is who ought to suffer." Ay, sir, and how? As a mere matter of curiosity, Mr. C. would show the gentleman from New York how the people of his State thought these men ought to suffer.

Mr. C. here produced one of the letters recently received by Mr. Calhoun from the State of New York.

That gentleman, he said, had been about to throw it into the fire, when Mr. C. had rescued and preserved it. The letter represented a large gallows, with coffins beneath it, and men lying in them. Such were the productions which were every day received by that distinguished man. Mr. C. thought they were worthy to be combined with the coffin handbills. Another letter contained a lock of hemp. He blushed to think that communications of this kind should have been made by his countrymen. He blushed yet more when he observed the post-mark upon that letter. It was marked "Salem, Tennessee." Yes, he blushed that any citizen of the daughter of North Carolina should stoop to such an act. He trusted there was only one man in the State who would be guilty of such meanness. It seemed, however, that, for purposes of evil, Mr. Calhoun and his friends were to be held able to do any thing they pleased, but for purposes of peace and conciliation, they could do nothing, and their assurances were not to be listened to.

This bill ought never to pass unless that House was prepared to go against the doctrine of State sovereignty. The authority of Washington had been appealed to; but President Washington never spoke of the General Government as the Government of the United States. He never called it a National Government. Gentlemen could not find the word "national" or "nation" in any one of his messages to Congress. The phrase always was, "The United States," or "These Confederated States." Washington was good authority. He heard a gentleman behind him saying, he had been, until now. This was very true. He could not now be considered as authority any longer. Hamilton had said, in terms, that the States had not parted with their sovereignty, but had delegated it. Mr. C. had been much troubled on this subject, and had written to the venerable and venerated Macon, and had requested a statement of his views. He held in his hand the answer to that letter; in which the aged patriot deprecated the employment of all force, and gave it as his opinion that secession was the rightful remedy. This would have saved the Southern States from the oppressions they endured.

[Here Mr. C. quoted from the letter.]

Were not these the words of wisdom? In addition to this, he might refer gentlemen to the expressed opinion of another enlightened statesman, (a great friend of Mr. Macon,) an opinion which ought to have great weight in that House. It was the opinion of John Randolph, of Roanoke, under whose voice the ancient and unterrified commonwealth of Virginia was waking up to the dangers of the constitution. That venerable commonwealth might yet rue the extent to which her confiding nature had betrayed her. But she was not to be pressed too far. When Virginia willed, what she willed would be done. Had Virginia taken the lead, instead of South Carolina, the distracting questions which were now convulsing the country would long ago have been settled. She had suffered South Carolina to take the lead, but she was not humbled by following such an example. She was treading in the footsteps of a gallant band, illustrious alike for intellect and patriotism—a band which Mr. C. was delighted and honored to join. Russia, indeed, had her Poland, England had her Ireland, and this Government might have her South Carolina. But, if her resistance was to be borne down and swept away; if her fields must be given to desolation, and her sons to the sword, the historian and the philosopher of after ages would say of South Carolina, that she ought to feel prouder in the glorious development of the intellect and patriotism of her sons, though they might be carried to a premature grave, than if they had been willing to live an eternity in bondage.

The bill, it appeared, must pass, for the sake of the Union party in South Carolina. The State, he knew, had many distinguished citizens within the limits of that party; men, whose characters and motives he believed to be perfectly honorable and patriotic, and he regretted that any man should request, on their behalf, that such an act as this should pass against his own State. While he heard that request preferred, he could not but think of the beautiful lines of Moore in relation to Ireland. Had this bill been directed against North Carolina, and Mr. C. had been a member of a large minority of that State, and a majority of the State (to which his allegiance was due) had resolved itself into an elementary assembly, and had decided that the constitution had been violated by any law of the Union, he should have scorned to ask the aid of the General Government, or of any other foreign Government, to put down his mother, to trample on his parent, and send down her name dishonored to posterity.

But Mr. C. felt himself too feeble to proceed. This was the last time that his voice would ever be heard in that hall; and, when the session should close, he should part with many whom he never expected to see again. Feeling deeply conscious of that frailty which was incident to humanity, he would take this occasion to say that, if he had spoken or acted in a way that might wound the feelings of any, he had to request upon this, the last occasion he might ever address them, that they would hold nothing in their hearts against him; for he retained in his nothing unkind or resentful toward any individual before him. He regretted to be obliged to differ in sen-

timent from any of the friends with whom he had so long acted; but let them differ as brethren. Whenever or wherever they met him, they should find his heart and his hand open to them all.

The House here, on motion of Mr. CLAYTON, took a recess until six o'clock.

EVENING SESSION.

The House resumed the consideration of the revenue collection bill.

Mr. CLAYTON, of Georgia, rose in opposition to the bill. It has been well said by an old author, said Mr. C., that when a Government intends to commit violence upon the rights of the people, its first attempt is to put out the laws, as others, on like occasions, put out the lights. We allow the disburdening of a ship in imminent peril of wreck, but this will not excuse those who, upon a feigned foresight of a State tempest; shall immediately cast law and conscience overboard, discard and quit rudder and compass, and so assist the danger they pretend to fear. As a pretext to fall upon the people, they are to be visited with frequent vexations; and lest these should be healed by that generous forbearance peculiar to a love of country, their sores are to be regrained and exasperated, under all the urging circumstances that come within the invention of scandal. And hence it is a principle in the politics of tyranny to make every infirmity a fault, and every fault a crime. Such as study to be great by any means, must by all means forget to be just; and they that will usurp dominion over others, must first become slaves to the worst of tyrants—a lust after power. Power, when unchained, stops at nothing short of full gratification, and by nothing is it so much delighted as the red ruins of wasted countries, desolated fields, and demolished habitations; and this scene is greatly heightened in its hell-smitten aspect, if there be left to brood over the mischief the solitude of widowhood, and the destitution of orphanage. Such may be the result of this day's legislation, and there is to come out of it this lesson, that, in the promptings of ambition, power cannot be purchased too dear, though it cost the blood of millions. In the contemplation of a principle so desponding, there is left one consolation, poor, I confess, that it will not be the first supremacy that has been won and worn upon the length and keenness of a usurping sword.

It is the remark of an eminent divine, that, in entering upon the discussion of an important question, it is all-important to catch, in the beginning, the fixed attention of the hearers, and nothing is so well calculated to effect this object as the reading of some striking passage from a popular author. Knowing and feeling how much I need such aid, I will present you, from this same divine, that very stimulant which he, in much good sense, recommends. "The vessel (says he) of our republic, driven by the gales of discontent, and hurried still faster by the secret current of luxury and power, is following the same course, and fast approaching the same rocks which have proved fatal to so many before us. Already may we hear the roaring of the surge; already do we begin to circle round the vortex which is soon to engulph us. Yet we see no danger. In vain does experience offer us the wisdom of past ages for our direction; in vain does the genius of history spread her chart, and point out the ruin towards which we are advancing; in vain do the ghosts of departed Governments, lingering around the rocks on which they perished, warn us of our approaching fate, and eagerly strive to terrify us from our course. It seems to be an immutable law of our nature, that nations, as well as individuals, shall learn wisdom by no experience but their own. That blind, that accursed infatuation, which ever appears to govern mankind when their most important interests are concerned, leads us, in defiance of reason, experience, and common sense, to flatter ourselves that the same causes which have proved fatal to all other Governments, will lose their pernicious tendency when exerted on our own."

Mr. Speaker: I am not so vain as to believe I shall, this night, make the slightest impression upon any member who favors the passage of the bill upon your table. I should feel humiliated if my discernment was so far suspected as to raise the belief that I did not perceive the "malign influence" under which this measure is insidiously creeping to the execution of its purpose. To check it here, I have no expectation. But, as I said on a former occasion, there is no place in this wide empire, from which the people may be so well enlightened, as from the halls of Congress. It is the stand to which twelve millions of eyes are directed, and to the preachings from which the same number of ears are listening. To this more than ordinary attention, and still deeper anxiety, I address myself; and if there is left any thing of candor or judgment in this great auditory, free from the influence of party strifes, personal politics, or paltry devotion to a name, I trust the appeal will not be made in vain.

The bill we are called on to pass, amounts to a declaration, without mincing the matter, that the States of this confederacy, as States, may be compelled by the military force of the Government to yield implicit obedience to the laws of a majority of Congress, no matter what may be their character; and that there is no other relief but the virtue of the longest sword and the strongest arm, wielded under the dread alternative of triumph or treason. And what is worse, though one is the creature of the other, yet the creator alone can commit treason. The creature has nothing to lose in the conflict. It draws its resources from the author of its own being, by which it makes its conquests, and is subject to no pains or penalties; while, on the contrary, the State has every thing to forfeit, and pays the expense of the war on both sides. Is this a false statement of the case? Then what has produced this state of things? That which has produced more real discontent than all other matters besides: I mean taxation. In countries where the people are taxed to support the splendor of kings, the luxurious indulgence of noble families, of particular dynasties, and are educated to believe that such impositions are all right, and is the very essence of duty, it is a matter of little concern how much their oppressors afflict them. But in this enlightened country, where men know their rights, and are taught, from the republican simplicity of their Government, that taxes are property, and just so much and no more is required, as is honestly necessary for the frugal purposes of Government to protect the residue left in the hands of the contributor, it becomes a subject of just complaint whenever these limits are transcended. For whom, then, are these taxes levied? Are they for the Government? Not so. The President has said they are not necessary, more than is wanting, ought to be reduced; recommends it, and considers the South badly treated. A reduction of six millions of taxes, which the Secretary of the Treasury says can be readily spared, will end all our strifes, and render this odious law perfectly unnecessary. Why can it not be done? Was there ever before an instance of one portion of the people fighting the other to keep on the taxes, and the Government standing by, with its pockets as full as it wants, encouraging the battle? Look at the matter in its true colors. The South has been complaining for ten years, in every form that unredressed injury can suggest; and they have been as constantly repelled by every excuse that insatiable avarice could invent, and none so often urged as the public debt. Well, now the public debt is paid. What next? Behold the Government, in honest truth, comes out and says, we have as much as we want out of you, and more too; but here are a few eager manufacturers standing at our back, who state that they are not yet satisfied, and urge as a reason why we should let them subsidize you a little longer, that you are putting on

the signs of rebellion, and it will never do, the pride of the Government will not suffer it, to permit you to question our authority to tax you for whatever purpose we please. True, these manufacturers have driven you to desperation, and to drive you out of it again becomes a pretext to keep on the taxes. Lay down your arms, fall on your knees, and raise your hands and eyes in supplication, and we have no doubt they will take the matter into their serious consideration at the next session of Congress! Now, Mr. Speaker, you may think this is no hard matter to bear, and that we ought to try it a little longer; but mark me, we are in and about the very point where it can be endured no longer, and this Congress would do well to pause before they move any further. What is it you want—taxes? For what? For the Government? Take what you please to any amount for its honest purposes. Have you ever been stinted? Your Secretary says you cannot possibly spend more than fifteen millions, and the allowance of this sum will reduce our burdens six millions. Why will you not do it? Do you want more for yourselves? Only observe for a moment how bountifully you are supplied out of these fifteen millions. Bear with me while I tell the people, who are working under God's curse for what little they earn, how sumptuously their governors live.

First, go with me to the palace of your President; see the splendors of his household, view the lawns and artificial hills and dales that surround his mansion, made on purpose to regale his eye, and varied every year to relieve his vision from the dulness of monotony! All this comes out of the estimate of fifteen millions, said to be wanted for the use of the Government! Come with me to the gaudy exhibitions displayed in both halls of Congress; see our hundred white servants, subject to our beck and call, and we can hardly lift a draught of water to our lips without their help! See the splendid gardens and enclosures provided for our special comfort and refreshment! One pavement, of ninety feet in length and forty in breadth, has cost four thousand dollars! One enclosure of eight acres, for a botanic garden, in front of this magnificent building, is about to cost us twenty thousand dollars. The bringing of water from a spring in the adjacent country, to sport in a fountain before the Capitol, is to cost thirty thousand more. It was but last night you gave away to this city, alone, eight hundred thousand dollars, besides one hundred thousand for paving its streets. The appropriation for what is so wastefully scattered over this building and its various apartments, I mean fuel and stationery, is one hundred thousand dollars a year, a sum sufficient to defray the separate civil list of half the States in the Union. Two thousand dollars to paper three rooms in the President's palace, enough to build forty habitations for those in the humbler walks of life, who are the tax-paying people. All this, and I barely mention a few items, to show the character and extravagance of public expenditure, also comes out of this estimate of fifteen millions of dollars, intended to supply the wants of the Government.

Yes, sir, the wants of the Government! And when the people, with a holy devotion for the Government of their choice, are willing to submit to these impositions, and to gratify these frugal wants, it is not enough; they must contribute to the similar wants of private gentlemen, and to the gratification of the like kind of splendor; because, forsooth, they have idle money about them that must be put to profitable employment, through the agency of the Government, and at the expense of the great mass of the laboring South. And when the South complains, they are told, your conduct is insolent, your course is rebellious, and your doctrines are treasonable! It becomes our duty, and is demanded by the dignity of our Government, in the language of the Chief Magistrate of the nation to a member of this House, "to put you down." These additional taxes, over and above the wants of the Government, so long complained of, and now of a character no longer to be borne, have brought up the South to the point of resistance. South Carolina has said she submits no longer. The rest of the South will soon follow. Tyranny, always cowardly, has taken the alarm. Every thing is magnified into rebellion. Wonderful signs, as of old, have appeared. The earth and air are filled with prognostics. Expresses freighten the country, from Washington to Charleston. A steamboat has been seen to reverse its flag, the Union down. One star on a blood red flag has been seen in the South. On the morning the proclamation made its appearance in the Senate, no prayers had been said in that body. The flag of Congress, on that same morning, was observed to be flapping in confusion, only half mast high. One of the thirteen stars, representing the thirteen States, in the Virginia Capitol, fell on the day that that grave body were discussing federal relations. These were fearful omens of approaching war and rebellion; and, as history plainly shows, should never be disregarded by a cautious and wise Government. And by way of showing you, Mr. Speaker, how necessary it is to watch the signs, and to regulate affairs thereby, let me, without reminding you of the oracles of old, bring to your notice what was done by our sage and foreknowing fathers, in that island from which we sprang, about two hundred years ago, under similar circumstances. I read from the tracts of old Lord Somers, a quaint but highly instructive author, to whose amusing and vastly edifying lessons I invite the attention of the House. It is well to make comparisons between periods separated by long lapses of time, in order to mark our wonderful increase of knowledge, and the great improvement of our taste and judgment. To this end, I shall use this author frequently in the progress of my remarks; and, therefore, once for all, formally introduce him to your acquaintance, and commend him to your polite civilities. Well, what says Lord Somers as to signs? Listen:

"The whiggish signs and apparitions, foretelling their rebellion, and the Dutch war, as you will find in two pieces entitled Mirabilis Annis, 1 and 2, viz.

"Prodigious signs and apparitions, denoting war, &c. First, the likeness of a ship seen in the air at Stratford, by Bow, near London, in September, 1660.

"Two meteors like a streamer, or a besom, seen in Wood street, 12th of October, 1660, means Van Tromp's broom at his topmast-head. These relate to the Dutch war.

"Now for wiggish armies, or their rebellions against the King. Strange and terrible noise heard in the air, as beating of drums, the reports of great and small guns, in January, 1660.

"The form of a town well fortified seen in the air, 22d of April, 1661.

"The noise of beating a drum, and of clattering of armor, and the groans of dying men heard in the air, 1st of September, 1661.

"Dreadful noise, like the report of great guns, with the beating of drums, heard in the air, 1st of May, 1661.

"The form of a lion, a unicorn, and bear, fighting for a crown, together with an army of horse and foot, seen 29th of May, 1661."

"The form of a coffin, together with two armies, seen in the heavens, encountering each other, 22d June, 1661. Now, (continues the author,) what, pray, were these apparitions, prodigies, and judgments, printed privately, and handed about to the party for, if it was not with design to foretell, and also to usher in, under the umbrage of miracles, their intended villanous plots and conspiracies? and these encouraged the ignorant multitude, under their seditious preachers and leaders, to commit these unnatural rebellions against his Majesty's person and Government; and I think they are too visible to be denied by the most audacious of their party."

Our author then states these signs were so frightful in their nature, and the Dutch and whigs having threatened to take the forts and magazines of the nation, it so incensed the people, that the King, highly offended, issued a proclamation, commanding all the Dutch ships in the ports of England to be stopped; and all further treaties of pacification being laid aside, both nations prepared for war.—*See Troubles of Eng. p.* 3, *fol.* 73.

"During (as the history continues) the preludes of the approaching war, the Dutch, a more contumelious than formidable enemy, inflamed the rage and hatred of the English people, by several scurrilous libels, medals, and many base and satirical pictures, according to the innate insolency and barbarous vanity of that people."

"By one picture they did basely represent the English nation a lion, depicted without a tail, with three crowns reversed.

"Another was a picture of many mastiff dogs, whose ears were cropped and tails cut off."—*Vide Dr. Collins's Survey of Muscovy, cap.* 26.

"In dishonor to the King and the English nation, they trailed the English colors, defiled with their excrements, through the streets, and at the sterns of their boats, whereby foreigners were persuaded that our navy were totally destroyed by the Dutch, and that they had gained the sovereignty of the seas.

"Other curious prints were divulged every where, of the English Phæton's being overthrown, not by the thunderbolts of Jove, but by the valor of the Dutch. It seems Britannia, or Old England, was no longer seated on her globe, with her feet on the sea, but prostrate on the dry land, Holland being mounted on an elephant, trampling upon her. Also, a boar, cutting off the tails of the mastiffs, whereof some ran away, and others sat licking their sores; others stood barking at a distance, with this inscription: 'The English dogs and vipers destroyed by the valor of the Hollanders, in such manner that they never shall give the world further trouble.'"—*Vide Stubs's Further Justification, &c. fol.* 2, 3.

"And, lest we should stand in need of some of these extraordinary pictures of the Dutch, the Flying Post has supplied us with another. He tells us that some of their wanton limners drew King Charles the Second with his pockets turned inside out. This was when there was a secret understanding between the Dutch and the faction in the whiggish Parliament, while they had agreed not to give him a penny of money unless he would consent to have himself dethroned by giving away his prerogative."—*Vide Oates's Pic.* 22.

Thus ends our author upon the notable subject of signs, and they bear such a remarkable resemblance to our own times, I trust they have not been uninteresting. Our signs have denoted "villanous plots and conspiracies," and the ignorant multitude, under their seditious leaders, have meditated not only rebellion against his "Majesty's Government," but a dismemberment of the Union itself, and hence great preparations of war have been made. Troops have been sent from Norfolk to Charleston, "and fifty rounds of ammunition to the gun" have been ordered. A part of the navy has besieged that port. A reinforcement has been thrown into the arsenal of Augusta. And what is all this for? It is said information has been received from a certain quarter, which I say dare not be furnished, for it has been called for and refused by this House, that the public authorities of South Carolina intended to seize the forts and arsenal. Sir, nobody believes this—there is not a gentleman in this House believes it; perhaps I mistake, there may be one or two. I appeal to the honor and candor of every disinterested man upon this floor to say whether, from their knowledge, either personally derived, or from reputation of the characters of Governor Hayne, General Hamilton, John C. Calhoun, and other distinguished men of Carolina, which need not now be mentioned, he believes they or any of them ever contemplated disunion, or designed to capture the military posts of the Government. No, sir, no man so abuses his own judgment, much less the integrity of these distinguished patriots, as to credit for a moment suspicions almost too gross for the fanatic credulity of which I have just given a specimen from the venerable Lord Somers. But great complaint is made of the war preparations of South Carolina. Can any one be serious in saying that there is no cause for this? A State surrounded by military force denied the right to prepare to meet it! Take care, Mr. Speaker; this is alarming doctrine to the States! In vain the constitution allows the privilege to the citizen to bear arms for his protection, if, when he rubs up his musket and furnishes it with a flint, he runs the risk of becoming a traitor! Sir, preparation is no force; as well may you tell me that the gentleman who sits before me with his sword cane, and which, no doubt, he carries for his honest defence, is obliged to run it through the body of the first man he meets, because he has thought proper to be ready for the assaults of either insolence or avarice. I well remember, sir, my own State had once to make warlike preparation against the usurpations of this same Government, and I should like to see the man who would dare to say she meant any thing more than the lawful defence of her undoubted rights. Against this Union she never meditated the slightest movement; but against the unconstitutional acts of its Government, she did plant herself upon her arms, and hurled defiance in the very teeth of your usurping laws. What Georgia has done in good faith against the designs of arbitrary power, I am willing to accord to other States, without imputing bad motives to the act.

But, Mr. Speaker, these wonderful signs have produced another wonderful consequence; like the Dutch apparitions that frightened the English King, they have brought out a similar proclamation. A proclamation, I will venture to say, that may safely challenge the world for its parallel. By what authority was it issued? Sir, I am about to make a declaration that I dare any man to deny. I affirm that there is no authority in this Government for any proclamation from the President of the United States, that is not founded upon some notorious law. The King of Great Britain dare not issue his proclamation unless supported by some known statute. Now, show me the law that authorizes the proclamation in question: I boldly say there is none. What! have we come to this, that a proclamation, like the edicts of the Grand Sultan, is to be the rule of action for the free people of these United States? That the President shall proclaim in written instruments what he considers to be the law; what is his interpretation of the constitution; and that, according to his views of either, the sovereign States shall be bound? Is any here so credulous as to believe that if such a paper had been issued by the expected successor of the present incumbent against such a State as Virginia, it would have been tolerated for a single moment south of the Potomac? No, sir, it would have been burnt in every town and hamlet throughout all that region. And pray, sir, what is the nature of it? In one breath it reasons; in the next it threatens; now it argues, then it raves; here it is pathetic, there it is satiric; in one moment it is serious, in another it is ironical; sometimes grave, at others petulant; in some places it is persuasive, in others intolerant; in many parts absolute, and every where dictatorial. It arraigns the motives of men; is abusive of particular characters; imputes base designs to the public authorities of a State, and denounces the leaders of the people of that State as traitors: losing sight of the dignity of a State paper emanating from the Chief Magistrate of a great Government, it descends to personalities, and those are directed against personal ene-

mies; its author calls himself the father of the misguided people of South Carolina. The "father!" mind that! the language used to the red people of the West. Your "great father" says so and so; in the name of every thing, have we come to that? The States sunk into Indian tribes! But, Mr. Speaker, the worst part of this matter is to be told; that while this friendly, feeling, flattering, fatherly, and fighting proclamation is reclaiming a State from the error of its ways, it is delivering over the whole of the States into the hands of the General Government to be consolidated, and henceforth to be known no more as sovereign States. The republican party, who have been contending for State rights for upwards of thirty years, and fondly believed they had gloriously achieved their object, have had their trophies levelled in the dust at a single blow, and themselves bound, hand and foot, and thrown into the power of their old vanquished enemies. What a revolution! and how suddenly accomplished!

But it is said the proclamation, though erroneous in principle, was issued from the best of motives. Yes, Mr. Speaker, there is not a whipping post, a jail, or a gallows, that may not claim the same merit; but when they are abused for the purposes of fraud and oppression, it is but of little comfort to the sufferer to point him to the good motives that lie at the foundation of their institution. I wish, however, this celebrated instrument had even the virtue of their design for its appearance.

This proclamation has been followed up by a cool, calculating message, confirming all its principles, and demanding the bill now under discussion. This bill requires force to put down, not the tumult of a few individuals acting upon their own responsibility, but the solemn and deliberate act of the people of a whole sovereign State, assembled in convention in the same manner in which they assented to the federal constitution, and asserted under all the forms known to a well organized and independent Government. Sir, this bill does not blink the question; it asks for the power of declaring war against a State, and for the use of the army and navy, to give success to that war. And, sir, we are about to grant it. We are about to do that against a sister State, which we dare not do against a foreign nation. We dare not, without a formal declaration of war, which alone rests with the representatives of the people, where it should rest, for they are answerable for unnecessary wars, confer upon the President the power to use the army and navy against any nation that should prove unmindful of its obligations. Sir, the message contemplated war, whatever persons may say as to its peaceable character. Did not the President enter into a learned legal disquisition, displaying his usual profound research into the depths of that science, even down to the feudal origin of his subject, to show that the *posse comitatus* was a military force, and as such might be resisted? What was this for? That if South Carolina should attempt to use this instrument, which she and all other Governments have used time out of mind, to carry into effect her legal process, and which she will continue to use, when necessary, in all other cases where her own citizens are alone concerned, it is to be considered the use of force on her part. It must cease to be employed in cases where the General Government is a party, and, if used, it is to be treated as a military force, and shot down by the army and navy of the United States. As well may the courts and their sheriff be considered as a military force, and treated in like manner. Does not every one perceive that this is the way the civil war is to commence? The sheriff, and his unarmed *posse*, are, by a forced construction, and at the special instance of the President, to suit the occasion, made a hostile array as against the Federal Government, (but perfectly lawful as against the State's own citizens,) and, as such, are to be murdered by the United States troops. Does any man in his proper senses believe that, when such a scene commences, the good people of South Carolina are going to stand around the dead bodies of their sons with folded arms, and tamely submit to such butchery? And if they will not, where is it to stop? Do gentlemen flatter themselves it will be confined to South Carolina alone? They must have a very contemptible opinion of the other Southern States, either as respects their courage or veracity, for they have more than once said they will not submit to the tariff; and I trust they will have discernment enough to see that the destruction of Carolina is sought on that very account. The South may prove recreant; it may falsify all its former strong asseverations; it may abandon South Carolina after the work of death begins; they may turn out to be a talking, and not a fighting people; but I shall not believe it till I see it, notwithstanding the proclamation and this bill are supported by some Southern members. The first and fifth sections of this bill allow the President to use military force, and these are to remain in operation to the end of the next session of Congress. The other sections confer great powers on the federal court, and are intended to be permanent. I think I can perceive that in some of these provisions my own State is to have another difficulty, either with the Indians or the General Government; but as she can, as heretofore, take care of herself, I shall not now moot this point with the House, but go on to show that, under the fifth section, a common marshal, especially if he be opposed to his own State, a thing not very unlikely, may involve this whole country in one universal blaze of civil war. The President is authorized to call out the military force when informed by a federal judge that "any law or laws of the United States, or the execution thereof," is obstructed by "any unlawful means, too great to be overcome by the power vested in the marshal." Now, who informs the federal judge of this fact? Does not every one see it must be the marshal? Who judges of the "unlawful means, too great to be overcome?" Is it not the marshal? And must not the judge certify, upon his information? Should he choose, in the plenitude of his great wisdom and caution, to consider an assemblage of the good people of Charleston, at the circus, convened to express resolutions on federal relations, as "unlawful means, too great to be overcome," and should they not disperse upon the coming of the proclamation, what is to hinder the army and navy from doing their deeds of death upon this unoffending people? Sir, the power is too tremendous to be given to any one man that ever did or ever will live upon this earth, especially in times like these, of personal passion, party prejudice, and powerful excitement. I would not grant it to the President, even if he could be personally present, with all his peculiar moderation and love of peace, to judge of the "unlawful means" himself, much less a partisan marshal, bent upon the triumph of his party, even at the expense of the lives of his adversaries, a passion which has not been without its manifest exhibition, even within these walls.

Have we not some experience how dangerous it is to confer unusual power on those whose ardent temperament leads them to a loose construction of it? In ordinary cases, and under ordinary powers, there is little or no danger from any public functionary; his own interest and public opinion will keep him straight; but on great occasions, and under unusual excitements, no man should be made absolute, and, least of all, General Jackson; for we do know that, on several occasions, he has known no law but his own will, and that, if a law stands in his path, he gives it just such meaning as furthers the strong purpose of his mind. As I feel no inclination to make an assertion without the proof, I beg leave to submit a case or two. It will be recollected that a certain meeting took place at Hartford, in Connecticut, by some of the first citizens of the Northern States; it was a political meeting, and, so

far as I know, peaceable. I do not mention it to reproach any one, for, on the present occasion, I do not intend to hurt the feelings of any; my purpose lies in another way. In speaking of this meeting, many years afterwards, General Jackson said in a letter, and, of course, under due deliberation, that he would hang them under the second section of the rules and articles of war if he had been in their neighborhood as commanding general. Now, what is this second section? It will create amazement when it comes to be seen, to think that the lives of so many individuals might have been taken under such a construction.* Well, here is the far-famed

SECOND SECTION.

"*Be it further enacted*, That, in time of war, all persons, not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial."

I pass over the scenes at New Orleans and St. Mark's, "as laws are silent amidst arms," but I must exhibit the case of the Spanish Governor of Florida, the celebrated Colonel Callava. His case is familiar to every one. The manner of his being seized, and imprisoned by General Jackson, because he would not give up certain papers which he considered private, was made a subject of complaint by the Spanish minister to our Government; with that I have nothing to do. It is with the construction of powers, and the meaning of the language in which those powers are conferred, or the meaning of instruments to which they relate. I hold in my hands another proclamation from the same author, to which I beg the serious attention of the House, if they regard it as a matter of any consequence to know whether great and extraordinary powers have been used by their depositary, about to receive similar powers, with proper and safe discretion.

The proclamation sets out with a long string of titles, such as "By Major General Andrew Jackson, Governor of the provinces of the Floridas, exercising the powers of the Captain General, and of the Intendant of the island of Cuba, and of the Governor of the said provinces respectively; whereas, by the seventh article of the treaty concluded between the United States and Spain, it was stipulated that the 'officers and troops of his Catholic Majesty in the territories hereby ceded to the United States shall be withdrawn, and possession of the places occupied by them shall be given within six months after the ratification of the treaty, or sooner if possible:' and whereas it has this day been made known to me that the following officers of his Catholic Majesty, to wit, (eight in number) are (among many things related under a goodly number of whereases) the authors of the following false, scandalous, and indecent publication, [now listen to this scandalous and indecent publication,] viz. In speaking of Colonel Callava's appearance before General Jackson, H. B. ought to have stated that none of the interrogatories and highly offensive accusations of the General were faithfully interpreted to Colonel Callava, any more than the replies of the latter to the former. It was, therefore, out of the power of our chief, not knowing what was said to him, to make the auditors understand how innocent he was of said charges with which his unqualified honor was endeavored to be stained. Such, in sum, are the observations we had to make on the statement of H. B., and we hope that he and the public will be convinced that we acted from no principle of pusillanimity; that if, on the one hand, we shuddered at the violent proceedings exercised against our superior, we knew also what was due to a Government which was on the most friendly footing with our own. We are, &c. (After stating how offensive this publication is, the proclamation concludes:) This is, therefore, to make known to the said officers to withdraw themselves, as they ought heretofore to have done, from the Floridas, agreeably to the said seventh article, on or before the third day of October next; after which day, if they or any of them shall be found within the Floridas, all officers, civil and military, are hereby required to arrest and secure them, so that they may be brought before me to be dealt with according to law, for contempt and disobedience of this my proclamation"—that is, to be hanged, I suppose.

Against this proclamation of banishment under a construction of the seventh article of a treaty which only meant a formal delivery of the forts, and the withdrawal therefrom of the troops, as a body of troops, in six months, leaving every individual, as such, the privilege of remaining in this free and happy country, the Spanish minister bitterly complained. With regard to the publication, considered so scandalous and indecent, and which furnished the pretext for banishing eight individuals from a land of liberty, and where we boast the existence of a free press, the minister makes the most urgent complaint. After showing how ungenerous and ill-founded was the treatment of these men, he adds: "But, in order to make the irregularity of General Jackson's proceedings more evident, I will grant, for a moment, that they are certain and proved; I will admit that the officers have been deserving of the chastisement and dishonor which they have suffered: but yet nobody will deny me that, before it was inflicted upon them, they ought to have been cited before the proper tribunal, have heard the charges, and have had liberty and time for their defence. These are fundamental principles of the laws of Spain, and of the United States, and of every civilized country. Yet what has been the conduct of General Jackson? Without giving them the least intimation, he publishes, in a language foreign to them, a proclamation expelling them from the province, giving them scarcely time to arrange their affairs, and authorizing all officers, civil and military, to apprehend them, and bring them before him!"

Mr. Speaker, what a reproach! And this stands upon the records of your country, giving the perpetual lie to the vaunted assertion of our constitution, that ours is the land where the freedom of the press and trial by jury remain inviolate. So much for broad construction; and such was the consequence of it, that it wrung from General Jackson himself the declaration of his "hope that no living man should ever in future be clothed with such extraordinary authority." Let us take him at his word, and remember what we are about to do. It is the same person to whom unlimited power is about once more to be given. General Jackson is but a man, and ours is the Government where we trust the lives of the people in the hands of no man. If the scenes I have just read to you create a sense of mortification, what may not be the extent of that feeling at a future day, growing out of the present transactions? Fifty years hence, and this measure will be viewed with astonishment; indeed, we ourselves, after our bickerings and heartburnings shall have ceased, may live to blush at our own temerity.*

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*I was told by a gentleman from Tennessee, [Mr. ISACKS,] that these things I knew of General Jackson before he was re-elected, and yet I was in favor of him. Keep General Jackson within proper bounds, and he can do the American people no possible harm. Ours is a Government of laws, and, so long as they conform to the constitution, no public functionary can do us mischief without doing himself a greater. Because I was for him, as President, it does not follow that I shall invest him with royalty. A man, within proper restrictions, may make an excellent President, who, with unlimited power, would make a desperate tyrant. The lion is a noble and generous animal, and we are delighted to view him in his cage;

I have another case, Mr. Speaker, to show the danger of employing military force for civil purposes; though I should remark, General Jackson has no concern with it. I adduce it to prove the utter impropriety of placing the laws in the hands of soldiers, whose modes of thinking and action are all turned on war. The case comes within my own knowledge. In the summer of 1830, some fifteen or twenty of our honest and respectable citizens of Georgia were seized in their own State, because they happened to be within the Cherokee nation, by a federal military force, and, without suffering them to visit their homes, or supplying themselves with a single comfort or convenience for a sudden and laborious march, but tying them together and pinioning their arms behind them, they were marched off from their families, destined for Savannah, a distance of nearly three hundred miles. These men, though honest, were poor, and many of them had bravely fought by the side of General Jackson himself, had committed no crime, but were torn from their friends, and paraded through the country with a little lieutenant strutting in their front, and the bayonets of a brutal soldiery glistening at their backs, like so many galley slaves, a gazingstock for men, women, and children, as they passed the farms and villages of the country. And, Mr. Speaker, but for my interference, and with pride I speak it, these brave and respectable citizens would have been marched off to Savannah, and there, in a land of strangers, far from home, without money, and without friends, there were a thousand chances to one their fate would have proved an eternal separation from their wives and children. As it was, they were driven fifty miles from home by forced marches. Sir, it was fortunate for them the military force, ay, sir, the military force, such as your bill contemplates, chose to exhibit a military flourish through the populous village in which I reside, and to avail themselves of a triumphal entry into that notable town. Being clothed with a little brief authority, I dared to issue that writ of writs, called the *habeas corpus;* and, sir, believe me when I tell you, upon an investigation of their case, their only crime was a return to the Cherokee nation for the purpose of reclaiming a few working tools which they had left at the gold-pits a short time before, upon leaving the nation under the orders of the public authorities of Georgia. This, sir, comes of using military force instead of the civil authority of the country, where the accused can have his friends about him, can have a hearing, can have his own witnesses, and confront those of his accusers.

And is this to become the mode of executing the laws? Are we drifting to the habits of European Governments, whose arbiter is the muscle of the sullen soldier, and whose executioner is the murderous edge of his sword? Mr. Speaker, let us pause; this is not the genius of our Government. States cannot be forced. Lawless individuals may, who act upon their own responsibility. But let us draw the proper distinctions between the actions of a whole people regulating their political rights as a Government, and those who oppose authority for selfish and individual purposes. States have rights, the sneers of manufacturers and the doctrines of the proclamation to the contrary notwithstanding. And let not a foolish pride, a vain importance, and inflated self-consequence, and a mawkish, false dignity, hurry this Government into a lofty dictatorial conduct towards sovereign States, which the plain, simple, honest, direct, and manly sentiments of democracy will finally frown down with shame and confusion. The State and General Governments were made by the people, and for their own especial benefit—the first in their social, the other in their federative character; and one was not designed to oppress the other. Can any thing be more ridiculous than that the people should institute two Governments, for the mere pleasure of fighting, in the character of one, against themselves, in the capacity of the other? For shame! let us fly from such inconsiderate and inconsistent folly. It will suit the temper, feelings, and condition of the aristocratic Governments of Europe, where every thing is done for the benefit of the few; but it is utterly repugnant to our institutions, where every man is a monarch, in the sovereign character of that term. Connected with the facts I have just related, I must mention, that the officer who commanded the military force was sued by the individuals thus maltreated, and the case came before me. Holding the scales of justice as even as it was in my power to do, and always anxious to support the just authority of the General Government, I said to the complainants, you ought to be satisfied with your discharge—the fault is not in the officer, but in the law. He had acted under an authority, which, whether right or wrong, relieves him from the imputation of bad motives, or lawless attempts upon your liberty. Let him go without harm, and tell your representatives never to place the military over the civil authority. And, Mr. Speaker, I am supported in this view by General Jackson himself, notwithstanding he now asks you for power "to put down a State." Permit me to read to you his own answer to the Senate, dated on Washington's birthday in 1831, to a call which they made upon him " to inform the Senate of the reasons that have induced the Government to decline the enforcement of the act to regulate trade with the Indian tribes, and to preserve peace on the frontiers, passed in 1802." Let me call the earnest attention of the House to his reply. Listen—he says:

"The Indians, thus situated, cannot be regarded in any other light than as members of a foreign Government, or of that of the State within whose chartered limits they reside. If in the former, the ordinary legislation of Congress in relation to them is not warranted by the constitution, which was established for the benefit of our own, not of a foreign people; if in the latter, then, like other citizens, or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine, and to require the Executive to enforce it by the employment of a military force, would be to place in his hands a power to make war upon the rights of the States and the liberties of the country—a power which should be placed in the hands of no individual."

Can commentary be necessary on language so plain? And is this House prepared to gratify an individual in the exercise of that which he himself has denounced, and warns us is too much to be granted to any individual? Who will now blame me for a freedom of debate in relation to the measures of the administration, when its chief disclaims the principles against which I war, and when, too, I consider that all we hold most dear is at stake?

I come now, Mr. Speaker, to the third thing proposed, though I omitted to mention it in the beginning of my remarks. I mean the nature of our Government. Before I proceed, I cast my eye around with a hope to draw upon me the steadfast looks of every member present, and the crowded auditory that surrounds the hall. I am about to make an assertion which may perhaps give offence, and create some strong sensation in this honorable

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but if his keeper should politely offer to turn him out for our special amusement, I venture to say some one would kindly thank him, and instantly remind him that he is in the habit of doing mischief when unchained, and yet never thereby think of offering disparagement to the lion. Let Congress, who are the keepers of all the public officers, confine them to their proper limits, and treat them as men, and not as gods, and then there is no danger. This much I intended to have said, and asked to say, in reply to Mr. ISACKS, but was denied and prevented by the call of the previous question.

body. I do not mean intentionally to offend any one. I have more than a usual share of good feeling on this occasion; and as we are about to part, never, certainly, for us all to meet again, nothing would give me more pain than to let drop any thing which should be carried from this seat of our common toils and cares, to the far distant limits of the land, and there rankle in the bosom of any one friend with whom I have been associated, in the pleasing and benevolent effort to heal the unhappy divisions of our common country. I find I have your profound attention, and will therefore proceed to say that this Government is not founded upon the divine right of kings.

In order to make good this position, it becomes necessary for me to contrast a Government founded upon the divine right of kings, with the principles of our constitution, only requesting you to bear in mind that the functions of our Government are performed, not by a single individual, who, in kingly Governments, has all power, but by three well defined departments of limited powers. Keeping this distinction constantly in view, I again invite your courtesy to the teachings of my venerable old friend Lord Somers. Well, what says he?

"QUERY XV.—Whether in any case it be lawful for subjects to oppose their Prince?

"SOLUTION.—It must be resolved in the negative! And that in any case, or upon any pretence whatsoever, it is utterly unlawful for subjects, jointly or singly, collectively or representatively, to make any violent opposition against their sovereign; or to resist him, either in an offensive or a defensive way. This assertion you will find to be a truth, that is consonant to holy writ, revered antiquity, sound reason, and to the municipal laws of the land; all the sophistries and argumentations that seditious and corrupted men are able to produce, to the contrary notwithstanding.

"I. To begin with holy scripture. [Here the author gives several authorities, which, on this occasion, need not to be mentioned, and then proceeds:] The reason of this severity is, to preserve the people from being poisoned in their allegiance by the malignity of vile examples. That all the people, under what nation or qualification soever, may hear and fear, and do no more presumptuously. For who, says David, can lay his hand upon (who can touch, who can stretch forth his hand against) the Lord's anointed, and be guiltless? Now the signification of the scripture phrase [touch or stretch forth the hand] is of a large extent. The guilt of this horrid crime may be incurred either by lifting up our heels in scorn against our king; by taking up arms in our own defence, by not bringing to light such traitorous conspiracies as we know to be forming against him, by not endeavoring to defend him when we see him in danger, for *qui non vetat peccare cum possit, jubet;* by striking at his crown, usurping upon his prerogative, or depriving him of his revenue, by speaking or even thinking evil of him. [Be it recollected that the President told a member of this House, that for South Carolina to act upon her doctrines was treason, to think of it was rebellious, and why? Lord Somers answers:] Because, as the tongue can strike without a hand, so the heart can curse without a tongue.

"II. As to revered antiquity. St. Ambrose, upon the point of non-resistance, discourses to this effect: 'I have not so learned as to seek by force to oppose authority; I can mourn and lament—[yes, Mr. Speaker, that has been all that was left to us of the South for the last ten years, and now our adversaries 'mourn and lament' that we do not confine ourselves to such a good, quiet, easy remedy.] But for other resistance, (says our author,) I neither will nor ought to make any.' St. Cyprian speaks to the same purpose. 'It is out of a principle of conscience,' says he, 'that none of us make any opposition, when we are unjustly seized upon, or study a revenge upon our formentors; for the numerousness of our party were otherwise sufficient to bear us out in such design.' And so does Tertullian. 'We are not,' says he, 'despoiled of our goods, they are only sequestered for our benefit, and entrusted in safe hands; God keeps them for our use, and will return them with ample increase. If you abstain from fighting, he will espouse your quarrel; and question not but your enemies will have the worst on't, for your wounds will save you, and if you fall martyrs you will rise saints. What cannot our sufferings bring about? They make even God himself our debtor; he owes heaven for ourselves, and he owes hell for our enemies; but yet we breathe our souls in prayer that he may be entreated not to pay this last.'"

Now, Mr. Speaker, did you ever see such a striking analogy between this doctrine and that of our tormentors of the spindle? How often have you heard that the tariff system was for our particular benefit; for what was esteemed our loss, was such a gain somewhere else, that it would come back to us with great increase. And the proclamation now tells us, in a kind, paternal manner, to "abstain from fighting," and there is no doubt we shall get the better of our enemies, "and they will have the worst on't." At all events, a little hanging and shooting will be of no disservice to us in gaining God's mercies and our enemies' forbearance, and therefore recommends this gunpowder bill.

"III. As to sound reason. Such a license to subjects against their rulers, is destructive of the very nature of Government and of human society; for it dissolves the very sinews of the State, and splits it into as many factions as it has enemies. And is it possible to conceive two equal supremacies of power in the same nation, and yet the kingdom to remain one. It is both reasonable and necessary that all Governments should have a super-eminent coercive power over particular persons; for, otherwise, a city would immediately be hurried into an anarchy, and that which ought to be one entire body becomes so many independent men. What obedience can consist with such resistance? Nor will such liberties know where to stop, for it is usual for them to fall foul upon all such as have a deeper sense of honesty and allegiance than themselves. And what law of God or man was ever heard of, that approved of my murdering a loyal man, because I myself am a rebel? Besides that, this lewd opinion equally wounds the very operators of it; for any body may be allowed to do that to them, which they have done to their rightful prince and his lawful subjects."

No doubt this is considered "very sound reason" by those faithful subjects who are fattening upon our property; but lest it should fail of producing proper conviction upon those who begin to question its great potency, the bill on your table is about to add another sound reason, composed of powder and ball, that strikes with such force as scarcely ever fails to overturn all opposing reasoning.

"IV. Now, touching the municipal laws of the land. If a subject finds himself aggrieved by the King, he is put to his petition for redress; which, if he will not vouchsafe, it is a sufficient penalty that he is to expect punishment from heaven. No man may presume to question what he does, much less to oppose him. To conclude, the famous Bishop Merks is positive that a King by lineal succession, being lawfully invested, cannot, upon imputation either of negligence or tyranny, be opposed or deposed by his subjects. The surest way to escape both the guilt and punishment of high treason, is to fear God and honor the King. The counsel given by the wisest of kings is worthy to be adverted to. 'Think not evil of the King in thy heart, neither utter it with thy lips, lest a bird of the air carry the voice, and that which hath wings discover the matter.' Let us detest the principles believed and practised by those audacious violators of royal majesty, the spawn of Loyola, and keep fast to the doctrine of our

own church, which positively asserts that the sacred bond of subjects, in obedience to their sovereign, is inviolable, and cannot be dissolved, either upon the account of supposed crimes in the person of the prince, or the exercise of tyranny, oppression, infidelity, or heresy."

I have now, sir, presented you with a Government founded upon the divine right of kings. Need I ask you if such be the character of our Government? I put the sober, serious, and, I hope, sensible question to this House, whether ours is a Government containing the principles with which our old author has so much amused us. And, if not, in what do certain principles lately promulgated, and now about to be carried out by the present war bill, differ from them? There is not a man in this whole nation who will not laugh at the absurdity of the doctrines just read in your hearing, and pity the ignorance and superstition upon which they rest, and which has doubtless carried many a man to his long home for daring to dispute; and yet, Mr. Speaker, shall I be reproached if I say, absurd and ridiculous as were these benighted nations, we are this day acting over the same monstrous scenes that disturbed and agitated the bosoms of those who have been slumbering in their graves for now nearly two hundred years? Are not modern politicians contending for non-resistance, passive obedience, unconditional submission, and absolute supremacy in the General Government? Disguise this matter as you will, I affirm, if a sovereign State of this Union has not the right to question the will of this Congress, and is to be put down by the sword for daring to oppose it, all the doctrines I have read you from Lord Somers are in full force and virtue in this boasted land of liberty; and the first gun that fires in South Carolina to establish the doctrine of the proclamation, will bellow the divine right of kings from sea to sea, and from shore to shore. Nay, sir, it will do more; it will rend this fair fabric of ours into a thousand fragments. The Union is gone at the first flash of a gun that aims the slaughter of a freeman for conscience sake. Revolution has no limits, and, what is worse, has no heart; and, when once commenced, defies all control. Well did Lafayette say, when he saw the Queen of France torn from her palace by the rabble of Paris—"Would to God I could now stop the ball of the revolution!" Turning from the scene in tears, and retiring to his home in anguish, he said—"I assisted to give it motion; but, to arrest it now, is out of my power." And, sir, the bloody tyrant of Nantz, the famous Liquinio Kerblue, who had murdered his hundreds of men, women, and children, in that dreadful conflict, years after those agitations were over, in the torture of deep remorse, exclaimed—"We were a nation of madmen!"

I will now proceed to give you my views of the formation of our Government. I lay down this position, that there is a difference between a social or homogeneous and a Federal Government. The first relates to individuals, the last to communities. The State Governments are examples of the first, the General Government of the last. The first depends upon a well known moral principle, which we learned at the schools, "that of the greatest good to the greatest number," and, consequently, must be under the direction of a majority. Not so of the other, it is founded in compact or agreement; and, of course, the articles of stipulation stand in the place and sway of the majority. In the social Government we appeal to the will of the majority for the rule of action; in the federal, to the articles of agreement. If this were not so, wherefore the necessity of any distinctions of States at all? Why not have abolished them at once, and let the whole mass of the people have constituted one great Government? Why leave to the States any Government at all? This was not the design of the constitution. No one believes that Delaware, as sovereign and independent as New York, consented to give up her social Government, and blend herself with the vast population of that State, who, from thenceforth, might regulate her concerns in any manner it pleased. The thing is too unreasonable.

The States had two great interests, which I will distinguish by the terms municipal and relative. The first has reference to their internal concerns; the latter to their relation with each other as distinct sovereignties, and with foreign Governments. The one interest was as dear to them as the other; indeed, the safety of that which related to the protection of life, liberty, reputation, and property, was, if any thing, the most desirable. This they retained to themselves; the other, the relative interests, they conferred upon the General Government—having evidently, at one time, possessed the exclusive right to manage both. Now, if this distinction can be kept steadily and closely in the mind's eye, it must be admitted that when either of these Governments invades the rights of the other, the invaded Government will have the right to repel the aggression, and the right of resistance must be reciprocally the same. More of this hereafter. Now, sir, permit me to show how clearly these relative can be separated from the municipal powers, and that nothing is so entirely perfect, which belongs to human wisdom, as the discrimination made by the framers of the constitution. These relative powers are contained in about seventeen specific grants, and which, if faithfully executed, cannot possibly benefit one State more than another. This is the true test of the intention of the Federal Government; for no one can believe that it was designed to be a bargain, in which some States were to receive more advantages than others. For such an instance of stupidity there could be no possible motive, and nothing contained in the history of the times warrants such belief. Now, let us apply this test. The first power is to "lay taxes" in various ways, but they were "to be uniform throughout the United States." How can any one State be more benefited by an honest exercise of this power than another?

Take the next, and apply the text, "To borrow money on the credit of the United States." The next: "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Every one knows that in all our commercial regulations, faithfully intended as such, and obviously belonging to that subject, there never has been any complaint. It is only when Congress departed from the true object of this clause, to take in something more than its words or spirit conveyed; something that belonged to the municipal interest of the States, local and partial, that the inequality commences, and the test fails. Take the next power, and our rule immediately applies, "To establish a uniform rule of naturalization." And again: "To coin money, regulate the value thereof, and fix the standard of weights and measures." Does not every one perceive that it is not possible for Congress to devise a law on any of these powers that shall give a greater advantage to one State than to another? This is equally true as all the other powers in the constitution; and I invite gentlemen to a careful examination of the fact. It is only when we leave the letter of the power, and are feeling for something else carefully lodged away among the reserved rights of the States, with a view to filch them from those Governments, that any possible difficulty can occur. For instance, in order to get this eagerly sought right to protect manufactures, which not a solitary syllable, word, sentence, clause, paragraph, or article of that instrument mentions, in groping for it in the darkest parts that would furnish a pretext for the search, its friends have fallen upon the provision relating to the "common defence and general welfare," as best justifying it. Now, Mr. Speaker, I do not intend to argue this matter, so often discussed, and I beg gentlemen not to be alarmed at the men-

tion of the "general welfare" principle; but they must excuse me, if, by way of putting this thing forever at rest, so that it shall no more be heard among politicians, I read them the history of this same general welfare doctrine from our old friend Lord Somers, to ascertain if it can be possible our constitution meant what he so profoundly describes. He commences:

"ENGLAND'S WANTS; or, several proposals probably beneficial to England, humbly offered to the consideration of all good patriots in both Houses of Parliament.

"The want of public spirits (meaning enterprise, not drinkables) hath occasioned the want of many public works of piety and charity: works necessary for the general welfare, or commodious and convenient for the people, or of ornament for the kingdom.

"1. To supply this want, that, by such easy ways and means as are hereafter mentioned, there may be raised a public stock, to be put into the hands of commissioners accountable to the King.

"2. For raising such public stock, it is proposed, first, upon such commodities as occasion either excess or luxury, wantonness, idleness, pride, or corruption of manners, there may be laid a large and extraordinary impost, as upon all wines, all strong drinks, tobacco, coffee, chocolate, sugars, spices, plums, all sorts of sweetmeats, oranges, &c.; upon all silks, laces, ribbons, jewels, watches, plate, feathers, perukes, fringes, &c.; upon all fine linens, camlets; upon cards, dice, tables, bowls, &c.; upon all coaches, chariots, litters, sedans; upon all pictures, perfumery, paints for the face, looking-glasses, &c. Moreover, a third part of all the gettings of comedians, rope-dancers, mountebanks, lotteries, shows, &c. [By the bye, a much better list of taxable articles than that furnished by our own tariff act.]

"3. That, according to the practice of the primitive christians, whose devotion was such, that they thought no testament well made unless some considerable portion was thereby added to the church, no testament henceforth shall be valid unless a twentieth part of the legacies were given to the aftermamed objects of general welfare and private uses. That a fortieth part of all things recovered by law may be [as once among the Romans] assigned for public uses. That there be paid out of all marriage portions sixpence in the pound, and something proportionably paid at the death and birth of every person not living on alms. Now the money of this public stock may be employed in these public uses following, viz. For building workhouses in all convenient parts of this kingdom; for making rivers navigable; for building and repairing bridges, highways, sea banks [breakwaters,] havens, moles, landmarks, aqueducts; for setting up poor youths; for marrying poor maids; for relief of aged, impotent, decayed people; for maintenance of sick and maimed seamen, and pensions for old soldiers.

"For the further increase of the price of wool, it may be enacted that not only the dead should be clothed in wool, but that all the living, from 1st November to 1st May, shall be obliged to wear their clothes and hats made of wool.

"That none but married men, or who have once been married, shall be, after the age of thirty-five years, capable of any office of profit or honor.

"An act to encourage the making all sorts of paper, of rough hats, of coarse canvas, of point lace, of silks, of scissors, of needles, to make vinegar, all box combs, gold and silver lace, some sorts of silk, some sorts of goldsmiths' ware, as spoons, forks, &c. which are made better in France than in England, and for all which vast sums of money are returned into France.

"That, as in the reign of Edward II, the number of attorneys was regulated, and one hundred and forty thousand declared to be sufficient to serve this whole kingdom in that peaceable age; so now, that the excessive number of lawyers and attorneys may be reduced to a competent number for this age, and some things in their pleadings reformed. What a shame to our nation is it, that so many evil and rapacious lawyers should be permitted to plead in behalf of known vitious persons, and of manifest oppressors, and in causes notoriously unjust; should be permitted to make a trade, not to minister justice, but to heap up riches, and devour all the fat of the land.

"That for redressing those high crimes, (so accounted by all God's people heretofore, though now in England little conscience is made thereof,) of wilfully trying to rob God or the King, the one in his tithes, and the other in his tributes, customs, or revenues, by constant grumblings and mutinous complaints, it may be made a high offence for the future, and very severe punishment inflicted, at the discretion of his Majesty. [Quite a squinting, Mr. Speaker, at the force bill.]

"That members of Parliament should be compelled to wear a robe or vestment, that so they may be every where discerned, and receive their due respect, and be ashamed to be seen frequently in playhouses, dicehouses, cockpits, taverns, houses of worse repute, or to be nightwalkers, &c. And during their attendance on Parliament, if they be found in such places and ways, out of their robe or vestment, then to lose their wonted privilege, according to that saying, 'God giveth his angels charge over us to keep us whilst we are in our ways, but out of our ways no protection of angels to be expected.'

"The inequality of taxes upon several counties, hatched and contrived by designing men, with much partiality, in the late times of rebellion, is so great, that to regulate the same would be a work well worthy of a speedy act of Parliament. [Mind that, Mr. Speaker.]

"And, lastly, an act of Parliament for a solemn anniversary day of thanksgiving during the reign of our sovereign lord the King now reigning, not only for the many signal and wonderful preservations of his royal person, both by sea and land, and of his right and title to this kingdom, maugre the late wicked contrivances, conspiracies, and associations of all his mortal enemies, but also for his most peaceable accession to this crown, with the universal good will and rejoicing of this whole nation and of all his other dominions."

Here, sir, is one of the most regular built, scraped out, polished off, and well finished general welfare systems ever devised by the ingenuity of man, both as to the mode of taxation and the manner of disbursement. Now, sir, if a member were to rise in his place, and under that provision in our constitution, upon which the American system is said to be founded, were to ask leave to introduce a bill to adopt my Lord Somers's plan, would it not create a universal smile? and how many votes do you suppose it would receive? And yet, Mr. Speaker, when well examined, absurd as is his very system, it is not worse than that contended for to justify the vast expenditures of this Government. When once you assume the right to make appropriations for any one object of general welfare, not specially provided for in the constitution, you are at sea without rudder or compass, and the million of objects which the discretion of Congress might imagine conducive to the general welfare, are as much within its jurisdiction as any one single object. Where do you get your powers for purchasing pictures, paintings, drawings, statues, busts, books for yourselves, for making fine gardens, aqueducts, water fountains, bridges, and canals, for the District of Columbia, Macadamizing the streets of Washington, and a thousand other things not now necessary to be mentioned? It is from the general welfare principle in the constitution, and called by the name of "public spirit," by my Lord Somers. These works of "piety and charity," of which he speaks, want nothing here but a "force bill," which it is now likely to obtain, to spread it over as many objects as you have just been amused with from our venerable author.

To return to the formation of the General Government. It seems that much of the present dispute turns upon the nature of sovereignty, and where it resides. One thing is admitted, that in this country the sovereignty belongs to the people; both the General and State Governments deduce their title to whatever they exercise, not what they possess, for they possess none, from this source; and the only disagreement is as to the extent of what has been conferred. I lay down this position, that sovereignty is either alienated or delegated; the first parts with it altogether, the last temporarily, and at the will of the grantor. The first can never be resumed, the latter can, at any and all times. European Governments are founded upon the first: there is no such thing in this country as alienated sovereignty; it is all delegated. The monarchs of Europe possess the whole sovereignty, and whatever is parted with by them, is a concession to the people, either gratuitously made by a good prince, or forcibly wrung from a bad one, as in the case of magna charta, and the bill of rights from the Prince of Orange. Here the whole sovereignty is with the people; and whatever concessions are made, are to the Government, by delegation, for their benefit. The revolutionary war left thirteen sovereign and independent States; and if every thing which has been done since that time, in relation to the organization of the Federal Government, could be completely obliterated, and the thirteen States stand precisely as they did then, every one will perceive the truth of the assertion. Now, suffer me to draw upon your imaginations, for a moment, so as to suppose the recognition by Great Britain of independence had been signed yesterday. What then would be the character of the State Governments? I will be told that they would be under the articles of confederation. Then these admit their entire sovereignty. I have before stated that the sovereignty resides in the people of each State; but as all the people of each State could not meet at a given place, to determine whether these articles of confederation should continue under their new relation of independence, or how far a change was rendered expedient by a great change of condition, (for as the confederation was principally designed for a state of war, it could not possibly answer that of peace,) it became necessary, therefore, to meet by representatives. When they did meet, there were thirteen sovereigns present, as much so as if the States had been left with monarchs at their head, and these monarchs had met for the purpose of appointing a general agent to perform certain acts, in which the whole had a common interest.

Now, suppose, instead of the seventeen powers conferred on the General Government in the constitution, to be executed by a President, a judge, and a member of Congress, representing the three departments of Government, these thirteen monarchs had been given but one single power, and that to but one single individual, for the number of powers or of agents cannot vary the principle, subject to amendment by the consent of three-fourths of the contracting parties, and suppose that one power to be the regulation of commerce, how much sovereignty would be delegated to this individual? Surely only a seventeenth part of what has been delegated to the Federal Government, (supposing seventeen to be the number of powers granted.) Now, does not every one perceive that the thirteen monarchs would remain sovereign over the other sixteen powers not granted? And if so, are they not equally so over all those powers which are denominated reserved rights? For the sixteen powers now become reserved rights. They, and the one power just mentioned, originally came from that mass. Each monarch has delegated, not alienated, his right to regulate commerce to a particular individual. Before they part, however, and just as they have delivered over their power of attorney to their agent, nine of the monarchs ask the agent, if, in the exercise of his one power, he cannot so contrive it as to prohibit commerce altogether, for the purpose of protecting their manufactures? He replies, he can. Now, who is to judge of this? Here is a case made at once, and before the parties separate. Four of the monarchs protest against such a power. Will any one say the agent himself ought to do it? Then he inevitably takes all the powers of all the monarchs, for, by the same rule that he judges in one case, he can in a million, as to the extent of his powers. And is it right or just, that he, who but a moment before was a perfect blank, and was chosen, not for his own benefit, but for the benefit of each and the whole of the parties, should instantly become a conduit to pass the rights of one portion of the monarchs into the possession of the others, and the injured party have no other redress than what depends upon his self-serving judgment? What then is to be done? It will not surely be said that, inasmuch as the other nine monarchs constitute a majority, therefore they have a right to determine the matter. The compact is founded upon no such principle; indeed, it is declared that any amendment of the instrument must receive the consent of three-fourths. Well, then, can any one be so blind as not to perceive that an honest, faithful, and fair execution of the compact would result in this arrangement, viz. The four monarchs would say, Mr. Agent, you have no right to grant what these others have asked you; now, before we separate, we insist that you submit that instrument back to the whole of us, and if three-fourths will determine that you have the power, (for that number can give it to you under our agreement, and it can make no possible difference whether it is formally conferred, or declared to exist,) we will submit. If you will not, you shall not exercise that power within our respective kingdoms; and if these other nine monarchs attempt to aid you in this usurpation, we will now tell them we will resume that portion of the trust which we have just delegated, and dissolve the agreement. So let us understand each other before we part, because, if you design to persevere, we will break up at once, and form no connexion. The nine monarchs and this bribed and corrupt agent declare they will go on. Is there a man here, or in any hole or corner of this wide world, who will have the hardihood to contend that the four monarchs must submit to this fraud, engendered before the ink was yet dry upon the instrument that contained their signatures? And if they ought not then, how is the thing varied by the intervention of time? If it would be fraud then, will it not be fraud now? Are we to lose rights because of the complication of machinery necessary to protect them? Are we to submit to wrongs because of the doubts which the operation of compound agencies sometimes creates? Strip this whole matter of all extrinsic circumstances used for the purpose of executing the powers of Government, analyze it till it is brought down to the simple elements I have presented, and, in the name of every thing that is just and holy, can any man so torture and pervert the meaning of things as to arrive at a different result?

To vary the illustration, let me present another view. It was said by an able speaker in another part of this building, that the people can form as many Governments as they please, and that the people of the whole United States have formed the General Government as well as their State Government. Now, let this be granted. But will he contend that these Governments are not as wholly independent, as Governments, of each other, as if they were foreign to each other? Is not the State Government of Massachusetts independent of the State Government of Georgia? and are they not both independent of the General Government so far as respects their reserved rights? Can Georgia legislate upon any of Massachusetts' reserved rights? I shall be answered, No, at once. Well, if she cannot, will it be pretended that Congress can? I

suppose not; but then again the question recurs, who is to decide the question of interference? I think, Mr. Speaker, I can give the answer that must settle the question. Recollect that we have just determined that neither Georgia nor the General Government can legislate upon the reserved rights of Massachusetts. Now, suppose Georgia should pass a law declaring that Massachusetts, nay, all the States, by way of making the law general, should pay a tax to her upon their exports? Would Massachusetts leave the decision of the right to impose this tax to the courts of Georgia? Who believes it? Would she leave it to the federal court? Certainly not. Then to whom would she leave it? Why, to no earthly power but herself. She would declare the law null and void, as in the case of the boundary of Maine, and not "obligatory upon her people." She would "interpose her authority to prevent its operation within her limits." If she has the right to interpose, she has the choice of means. And whether by arms or legislation she effects this interposition, it is for herself, and no one else, to judge and determine. To this reasoning there can be no objection. Now, suppose that Congress passes precisely such a law as that of Georgia's, imposing the same tax. In what will the cases differ? Think you Massachusetts would leave the question to the Supreme Court? To what other conclusion could she come but the one in the Georgia case, if she is independent of both Governments in reference to her reserved rights? If she would nullify as to Georgia, what is to hinder her from nullifying as to the General Government? They stand upon the same footing.

But there is another view that I think still more conclusive of the right of a State to protect her reserved rights. Suppose, at the formation of the Federal Government, the States, or rather the people of each State, had possessed, severally, only twenty powers; they meet in convention, as States, and confer ten of these powers on the General Government, and keep the other ten to themselves, respectively. Now, mark, they were supreme over all the twenty powers before they granted ten away; consequently, they continue supreme over those not granted. Both Governments go into operation perfectly supreme over their respective ten powers. Suppose the States pass a law violating one of the ten granted powers, what do you suppose the General Government would do? The answer is ready: she would not regard it; she would not suffer it to operate within her limits; in fine, she would nullify it. Will any one point out to me any good reason why the States may not be permitted to do the same thing, if Congress passes a law violating one of their ten reserved rights? If they are independent Governments, perfectly supreme over their respective ten powers, what one can do to protect itself, the other certainly can. It is a bad rule that does not work both ways. If the Federal Government can defend its granted powers, surely the States may do the same thing as to their reserved rights; and whatever plan the one may adopt to effect the object, precisely that may be employed by the other. The provision that the "constitution, and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land," is not stronger or more extensive than the one which asserts that "the powers not delegated to the United States are reserved to the States respectively, or to the people."

I know the sovereignty of the States is now laughed at, and the proclamation has done more to bring their rights into contempt than all the other attacks united since the triumph of republicanism in '98. It is now urged by that instrument, by its federal friends, and the bill on your table, that the States may be sovereign, but their people shall be subjects. They will not war against the States, as States, but they will hold their citizens answerable, individually, for the acts of their Governments. And can it be possible that the States will submit to this? Will they stand by and see their citizens massacred for obeying their own laws? Of what account is sovereignty if it cannot protect the sovereigns? If all the people of a State can be hung up, one by one, can be cut off in detail, God help the sovereignty of such a State! Mark the consequences of this doctrine. If the federal courts can control the State courts by considering them, and their officers, and their *posse*, as so many individuals, unconnected with the State Government, and control them accordingly by the use of dungeons, halters, and gibbets, they can treat the Legislatures and Governors of States in the same way. If the judiciary department of the United States can exercise such a power, then the co-ordinate branches of the same Government can do the same thing. Congress and the President may act upon all the departments of the State Governments in the same way, not as a Government, but merely as individuals; and when Governors are brought to the scaffold, for executing the laws of their States, it will be poor consolation to be told they are not hung in their official but in their private capacities. If the States submit to this doctrine, they will richly deserve the fate which the bill we are now discussing is preparing for their people.

Mr. Speaker, I am admonished, by the great length of time I have occupied, no longer to abuse a patience which has been unusually indulgent. I must, therefore, though I have much more to say, bring my remarks to a close. I ask now the attention of the House but for a very few moments.

Acting upon the doctrines I have advanced, South Carolina has annulled what she deems an unconstitutional law of this Government, and has prepared herself to prevent its operation within her limits, declaring she means to use no force, and that if force is used against her, she will leave the Union. The President has said she shall do neither, and calls upon Congress to give him the army, navy, and militia, to coerce her into obedience. Now, Mr. Speaker, let us ask ourselves seriously if this can be right? Does prudence, generosity, or justice, demand such a harsh proceeding against a sister State, even though she were wrong, if any milder course could be devised? Repeal the tariff, which, before Heaven, is a solemn duty, because an act of justice; and the whole difficulty is at an end. But, sir, suppose this bill passed, and General Jackson obtains all he wants—suppose he could, with his own arm, unaided by any other force, execute its object; and suppose a crisis arrives that makes it necessary for him to proceed to South Carolina! Go with me, Mr. Speaker, to the scene of action, and let me present you the picture which is furnished by the materials of this astonishing case. General Jackson girds on his dagger, and with cool and deliberate step marches to the peaceful plains of Carolina. He seizes the first man he meets, and exerting the whole strength of a great Government, he throttles him, and, with the strangling grip of Hercules, chokes him to the earth. In that fall, to which overpowered energy must submit, he plants his knee upon the bosom of his struggling victim, and thus prostrate, he is about to plunge his knife to his heart. But, sir, before the fatal blow is struck, he relaxes his grasp, to receive the dying words, not of a convict, but of a freeborn citizen of a sovereign State. What does he say? Sir, he asks, why am I thus treated? What have I done? I have obeyed my State, and forfeited my life to you. If I had obeyed you, it would have been forfeited to my State. Is this the boasted land of American liberty? Better, by far, I had lived in Poland, or been a serf in Russia. But what, I repeat, have I done to you? Have I not fought by your side, for my country, at Mobile and St. Mark's, and contributed to your fame? Have I not willingly paid every tribute she exacted, nay, more than my share, when she asked it for her own purposes?

Have you not said there is enough, more than enough? Have you not said that I am wronged, and ought to be redressed? Why is it, then, you are about to make a desolation of my home, and fill its murdered peace with the tears of orphans, and the cries of their widowed mother? What other reply could be made by this executioner of your law, than that this is wholly true? True, that the Government wants not your money; true, that I have said that your burdens ought to be lightened; true, I have said there is more than the wants of the Government require; but there stands at my back, unconnected with the Government, a confederacy of individuals, one of whom cries out to me, kill him, kill him, unless he will contribute from the sweat of his brow something to my woollens! Kill him, kill him, says another, unless he gives something to my cottons! Kill him, kill him, says a third, unless he yields a tribute to my iron! Sir, in this critical moment, I leave him, and I leave you and this House to ponder on the scene.

Mr. ISACKS, of Tennessee, said he would offer some reasons why, after all that has been done, and as matters now stand, this bill ought to be passed; he had no note of preparation, and should limit himself, both as to time and matter. I will admit, says Mr. I., there is not now that imminent necessity, apparently, for this measure, that the state of affairs recently and before the passage of the tariff bill seemed to present, yet, in reality, the same causes may now require it, which did then.

But, Mr. Speaker, before I do this, I must take the liberty of attending to some remarks of the gentleman from Georgia, [Mr. Clayton,] who has just taken his seat; particularly those which seemed to be made in such a good natured mood, that it was difficult to tell whether they were intended for sarcasm, ridicule, or good humor. I mean the philippic which he pronounced upon the President. Although the personal and political friend of General Jackson, I do not present myself as his advocate; his own public acts can better plead his cause; but the gentleman from Georgia must excuse me for saying that his attack reminded me of the old harangues preceding the three last presidential elections, in which much of the same spirit was displayed, and the same, with many other kindred objections urged, as to violence of temper and want of qualification. Notwithstanding all this, the people of the United States, by overwhelming majorities, have twice determined that Andrew Jackson was a fit and proper person to be entrusted with the execution of the laws of this Government. And I was not a little surprised that the gentleman from Georgia should bring forward these stale charges. The construction of the second section, the Indian treaty, the proceedings in Florida, with all the rest referred to, and which were as well known to that gentleman many years ago as they are now; and yet he has supported this same man for the high station that he now holds. [Mr. Clayton said, under like circumstances, he would do so again; but he did not then know that he would have to execute such a law as this.] Then, said Mr. Isacks, the objection should be to the law, and not to the man; for it would be too much to say, that if he were a good President without this law, he would be a bad one with it; this is enough to say on this part of the subject. The time and convenience of the House will not allow me to enter upon a discussion of the formation and powers of the General Government, the rights of the States, and the doctrines of nullification and secession; with the arguments on those topics, every member must be familiar, and they have gone forth to the country already in State papers and speeches. The gentleman from Georgia has illustrated his views of delegated power, by the exhibition of thirteen kings, personating the thirteen United States, in the creation of a Government; and I should have been more amused, though, perhaps, less instructed, if he could have found a chapter in his favorite author, Lord Somers, and read it to us upon this head, as he did upon several others.

I have no special charge of this bill, nor any other subject in which the administration is particularly concerned. Some of the organizers did not intend that I should have, and I am gratified that these subjects have been entrusted to abler hands. It will hardly be said of me that I am for the administration, "*per fas et nefas,*" and therefore support this bill. If you will read the sentence backwards, I should not object to its application. I am for the bill, because I think it right in itself, and therefore support the administration; and I am always glad to find myself in that situation, for I yield to none in an ardent desire for the success of those who administer the Government. Yet, for want of sagacity, or something else, I have not had the good luck to dodge out of the way of some very heavy vetoes. I thank the Power that made me for the consciousness of moral courage to do what I believe to be my duty. I hope I shall always fear to do wrong. I should fear to violate the known will of my constituents on no measure of expediency, but a presidential veto has terror for me. I thought it not amiss to bring this much of my course into review for the purpose of casting off from myself all imputations against those who support this bill, rather from a desire to serve the administration, than from their own sense of propriety.

I will now advance such reasons as occur to me, and which I have not heard given by others, why this bill ought, at this time, to be passed. I can truly say that I rejoice with those who do rejoice, that, by the passage of the bill for the reduction of the tariff, the olive branch of peace has been extended to the discontented people of the South, and nothing could have afforded me more pleasure than to find it acceptable (so far as we can judge) to Southern members, and that, I admit, gives a great degree of assurance that it will be satisfactory to their constituents; and some have expressed their belief that it would, while others have doubted. But they cannot give, neither can we receive from them a pledge that it will be accepted. Though much has been conceded, still it stops short of the demands of South Carolina, and may be rejected. God grant it may not. But are our laws such light and empty things that they are to be observed or resisted at pleasure? After what South Carolina has already done, after she has left nothing undone that could render resistance effectual, shall we leave every thing to chance, and do nothing to counteract their operations, by providing the means for the effectual execution of our laws? If, contrary to all our hopes, Congress should adjourn, and our new tariff law share the fate of the former, unless this bill become a law, the work of nullification and secession would then go on triumphantly. But what would the country say of us? We should have to meet the just reproaches of our constituents, and be convinced, when it was too late, that we had been too confiding, that we had risked every thing, and lost all that our inaction could lose. The ordinance of South Carolina has at one sweep pronounced our whole system of revenue laws null and void, and declared a conditional secession from the Union; and her legislative acts have carried out the scheme. Now, I will not stop to dispute whether all this can be (as they call it) a peaceable remedy, or what is meant by nullification and secession. In the plain English definition and common sense view of their proceedings, I pronounce them to be revolutionary in their character and tendencies. And who will peril the safety of the country upon the uncertainty of their going backward rather than forward? Our acquaintance with human nature and the history of ages, even farther back than the time of Lord Somers, should remind us that when the elements of society are agitated, disturbed, and shaken asunder, as when the fountains of the great deep are broken up, they are not readily quieted and confined, and

often defy all bounds. And it sometimes happens that those who start foremost in the career, either of revolution or reform, are outrun, and even run over, and left far behind, by their more ardent and reckless followers.

This may or may not come to pass in South Carolina. There is in that State, perhaps, more talent than in any other, in proportion to their number of free inhabitants; but I have seen and read enough from there to convince me that there are amongst them many bold, impatient, and ambitious spirits, who, for aught I know, may think some of their present leaders too moderate and easily satisfied; especially if they could get the lead themselves. In speaking of the nullification party collectively, as I do, I must not be understood to say that they are bad men; far from it; I have seen enough of human nature to learn that, under the influence of high excitement, surrounded and propelled by concurring circumstances, good men will often go to as great excesses and commit as great errors as bad men; and the difference between them can only be found in the motives by which they are actuated. But it may be said that all this is mere speculation, from which no certain results can be shown. Be it so. In providing the means of security, it is not necessary that the danger should be inevitable. We know the threatening position which they have taken; they may proceed to put in practice what they have put on parchment. That is enough for us to know. If with this knowledge we refuse to act, we make ourselves answerable for the consequences.

Mr. Speaker, I have adverted to future probabilities, merely in connexion with the realities of the present and the past; and, upon the strength of these realities, I shall insist that if we would vindicate the authority and honor of the Government, we have no choice but to pass this bill. How stand the facts? South Carolina, in the highest attitude she could assume, and in the most decisive form, has ordained that all the revenue laws of this Government are null and void, and shall not be carried into effect within her limits. That the twenty-fifth section of the judiciary act, which this House a few years ago, by a large majority, very properly, as I think, refused to repeal, shall have no effect in that State. And, upon certain conditions, amounting to this, that if she is prevented from making effectual resistance to the laws, she will no longer be a member of this Union, but will forthwith proceed to form a separate and independent Government. This ordinance of the convention has been fully carried out and adapted to practical purposes by the enactments of the Legislature. And, to complete the work, a large military force is provided, companies, regiments, and it might not be going too far to say, armies, are organized, equipped, and ready for the field. We learn, also, that they have mounted the blue cockade. I wonder how it came to be blue. I have heard of blue laws and blue lights, of the blue bells of Scotland, and the bonnets of blue; but I never before heard of blue cockades! But, without respect to color, it is a badge of hostility—an emblem of war.

[Here Mr. ISACKS alluded to a new flag in South Carolina, and a conversation ensued between him and Mr. McDUFFIE, not particularly noted.

Mr. McDUFFIE called for the authority on which that allusion was made.

Mr. ISACKS gave newspaper statements and conversations.

Mr. McDUFFIE said the information relied on was false, and the fact was not so. Mr. I. did not vouch for the fact; and after such a denial would leave the matter about the flag to be as it might.]

I return, said Mr. ISACKS, to the far weightier matters; the ordinance, the statutes, the military preparations. These are undeniable, and here I will hold. How long these are to abide, we know not; but this we know, that they now exist in all their force and vigor. And shall these measures of resistance and defiance be taken in the face of the American people, and the world, and meet with no rebuke? Shall nothing be done that will tell to all, now and hereafter, what is the sense of the nation on this procedure? We cannot do less than provide adequate means to counteract the progress of nullification, if it is persisted in; and if it is not, so much the better, our act will then be inoperative.

I have heard it said that we ought to be careful how we treat South Carolina at this time. I hope she will be treated with the common justice to which all are entitled, and as soon as she becomes herself again, I would be glad if the waters of oblivion could cover all that has happened. But who is the aggressor in this affair? Who has been wanting in respect to the majesty of the people of the United States, and the supremacy of their laws? Not the President, not Congress, but South Carolina herself. And shall she complain if we move *pari passu* with her? If we but follow up her own lead, and beat her at her own game, if she will play it out? I think she ought not.

We have heard much about the influence of public opinion, and the madness of attempting to administer a free Government without the sanction of the public will. All this is undoubtedly true; but our adversaries have no claim to the benefit of the argument. What is the public will? It is not the opinions of a small section of the country, or a small portion of the people compared with the whole; but it is the settled and concurring judgment of a decided majority of all the people of the whole community. We find the expression of that will in the form of the Government, its institutions and legislative proceedings, its constitution and laws. And the source of that public will, in the understandings of men, supplies that ever active principle of government which I had almost called the reserved sovereignty of the people. And if it were possible to obtain force to act against the public will so understood, the employment of such force would be vain and ineffectual.

But the whole ground is reversed, when, in virtue of the public will, you are driven, in the last resort, to the employment of force, not to oppose its designs, but to further its purposes, and to cause the deed to conform to the will. Then force becomes proper and indispensable. The one may be called a forced action against the will, the other the action produced by the will. Are we to be told that, if every rational being in a State, or limited district of country, were of one opinion upon a given question, that they must, therefore, have their will and their way, in despite of the settled judgment of all the Union besides? Such an argument would be utterly fallacious, and yet a stranger one than that with which we are opposed in the case before us.

Arbitrary power has no abiding place in our free institutions; ours is emphatically a Government of laws; and if the laws do not prevail, the Government cannot last; you might as well expect animal life to exist without the circulation of the blood. The laws should be equal and just, and every well founded objection against them removed in the mode pointed out by the constitution. But when they are obstructed by force, no matter from what quarter, or under what authority, that force should be met, repelled, and put down, by the overpowering energies of the whole community. That Government which cannot, or will not, protect itself, need not be expected to protect the rights of its citizens, and will not long have their confidence and support. Ours is no such frail or vicious Government in principle, and God forbid that it should ever become such in practice. I forbear to dwell upon the contempt in which such a Government must be held, and the insults it must expect to meet with in its intercourse with the great family of nations.

Mr. BLAIR, of South Carolina, followed. He said he rose for the purpose of assigning, briefly, the reasons why he should vote for this bill, and of explaining and reconciling the conduct he adopted at the commencement of the session, with that which he deemed it his imperative duty to pursue now.

Some explanation of this sort is the more necessary, said Mr. B., as I understand the gentleman from North Carolina, [Mr. Carson,] while I have been out of the House, has expressed some astonishment that I should be in favor of a coercive measure against my own State, or that I should ask the passage of this bill for the protection of the "Union party" of South Carolina. If I were disposed to retort upon the gentleman from North Carolina, I might ask him, in return, how it happens that he is opposed to this measure, whilst his constituents are well known to be almost unanimously against "nullification." And I might, with at least as much propriety, express my astonishment that he should so far mistake the wishes and well-ascertained opinions of nine-tenths of the intelligent people he represents, as to oppose the passage of this bill.

I repeat now, what I have said again and again, that I shall regard the rejection of this bill as a negative sanction of nullification, and an indirect rebuke of the Union party in South Carolina. I have not asked this, or any other measure, for the personal safety of the Union party: I have repeatedly disclaimed it, entirely and unconditionally. We ask not personal protection: we would suffer annihilation before we would invoke aid in that respect. But we think there is something due to our character and feelings. And I submit it to the candid consideration of this House whether it would be generous or politic to make a "scapegoat" of the "Union party," to bear away the sins of nullification to the wilderness, in order to conciliate the disorganizers in South Carolina. Suppose you do so on this occasion, what encouragement would an orderly, well-disposed minority in a refractory State have to stand up for the dignity of this Government, and the execution of its laws in a coming day? Could you expect such a minority in a rebellious State to hazard their personal liberty, their lives and fortunes, to subject themselves to civil and political disfranchisement, to obloquy and reproach, and to peril their all, as the Union party in South Carolina have done, in defence of the Union, and the institutions of the country? No, sir, you could not expect it. They would remind you of the fate of the "Union party" in South Carolina. I can assure the gentleman from North Carolina, and I assure this House, that the duty now imposed on me in relation to this bill, is far from being a pleasant one. It will be remembered that, at the commencement of the session, I asked and obtained leave to withdraw from the Military Committee, of which I was a member. I did this under an impression that possibly it might become the duty of that committee to recommend some coercive means to counteract the rash measures of the ruling party in the State from which I came. Had I remained a member of that committee, I could not oppose any proposition that might be deemed necessary for putting down nullification and its concomitant measures, without indirectly aiding and abetting what I consider a rebellious proceeding, or, at least, a proceeding of rebellious tendency; and it was repugnant to my feelings to assist, as a member of a committee, in recommending to this House any measures or means of coercion against the misguided State of South Carolina. I was unwilling to subject myself to the appearance, or to the reproaches even of the nullifiers, of aiding to inflict blows on the State which I in part represent. The public interest and safety did not require that I should make that sacrifice of feeling. My place on the committee could be easily, perhaps advantageously, supplied, without detriment to the action of this House, or injury to the public service. But now the case is different; I feel myself differently situated. I am called upon, not only as a representative of South Carolina, but as a representative of the American people, to discharge a solemn and conscientious duty which cannot be performed by a substitute. Here is an unpleasant duty to be performed, which cannot be evaded by referring it to a committee of which I am not a member. The question presents itself to this House, and is not to be blinked by any member here unless he proves recreant to the trust reposed in him. I have come to the conclusion, some time since, that it is my bounden duty to vote for this bill, and I shall not shrink from the responsibility of doing so, be the consequences to myself what they may. Were I to vote against this bill, I should consider myself as giving an indirect sanction to nullification, secession, and all the absurdities which accompany these political heresies. It is impossible, therefore, that I should vote against the bill; and to withhold my vote, would be nearly equivalent to my negation of the bill.

The gentleman from Georgia [Mr. Clayton] has amused, or attempted to amuse, the House with a wonderful farrago about witches and hobgoblins, signs and wonders in the heavens, drumming and fifing, horsemen and banners, music and battle, in the air. At last he descended from the heavens, and condescended to notice the affairs of this lower world. He complained sorely about the extravagance here, and at the "White House"—seemed much afflicted at the profuse expenditure of the public money, and wound up his chapter of lamentations by a commentary on the tyrannical character of President Jackson, and something like "a bill of exceptions" to his conduct during the late wars with Great Britain and the Seminole Indians. He seems alarmed by the recollection of the unauthorized conduct, and strong military operations of General Jackson against the Spanish posts in Florida; his management of Callava and Dominick Hall; and has much to say (by way of reproof, if I understood him) about General Jackson's opinions relative to the "Hartford Convention," and the second section of the rules and articles of war.

Now it is a pity the gentleman did not tell us something about his own vote, during the last session, appropriating one hundred and fifty thousand dollars for the aqueduct of Alexandria, making a canal along the side of a noble, navigable river. I am sorry, too, that he forgot to tell us about his votes in favor of a stereotype edition of the laws. [Here Mr. Clayton rose, and denied that he had given any such vote.] I will then refer the gentleman, Mr. Speaker, to the journal of the last session, page 1146, where he will find it recorded, that "Mr. Daniel, in pursuance of instructions from the Committee on the Judiciary, moved that the House do now proceed to the consideration of the bill from the Senate (No. 86) entitled 'An act providing for the publication of a stereotype edition of the laws.'

"A motion was made by Mr. Foster that the report of the committee, and the motion to proceed to the consideration of the said bill, do lie on the table; and the question being put that the House do agree to this motion, it was decided in the affirmative: Yeas 74, nays 69."

The name of "Augustine S. Clayton" is recorded in the negative, against laying the subject on the table, which is equivalent to a vote in favor of the bill.

As to his complaints against the conduct of *General* Jackson, I would ask the gentleman from Georgia if he was not aware of them before he first gave his aid in promoting the General to the presidential chair? Did he not, with the full knowledge of all the objections he now urges against General Jackson, assist, a second time, in electing him to the high station he now fills? How are we to account for his sudden change of opinion in relation to the distinguished personage of whom I now speak? [Here

Mr. CLAYTON said, if he could be permitted he would state his reasons.] Sir, it is not very material what they are; I shall leave him to answer these questions to himself and his constituents. I presume he has recently seen some new light in the heavens; he has probably heard some "drumming and fifing," not in the air, but in the other end of this building. But, Mr. Speaker, it is time to return to a more important subject.

I shall vote for the bill now under consideration, sir, not for the personal safety of the "Union party" to which I belong, but because I think it is necessary for the interest and safety of the whole country. Were I to consult only the safety of the Union party in South Carolina, I might wish this bill to be rejected. It may, possibly, increase the anger and hostility of our opponents against us, but I am proud to believe that the Union party are, and ever will be, governed by far higher and nobler motives than any grovelling considerations connected with their own personal safety, personal interests, or self-aggrandizement. No, sir, I shall vote for this measure because I think the interest, the honor, and the safety of the United States demand it. I support it because I think it necessary to put down and demolish these political heresies and rebellious proceedings which strike at the vitals of our constitution, and which, if tolerated, will destroy the efficiency of our Federal Government for all time to come. I support this bill, sir, because I wish to live and die a freeman. I have not the presumption to trouble this enlightened body with a dissertation upon nullification: it is now a subject well understood even by hackmen and scavengers; it has become "a by-word of reproach." It has lost all its terrors; it has become a topic as stale and disgusting as it is absurd and ridiculous; its only fruit has been an impotent, tyrannical attempt to enslave, to disfranchise, and degrade the patriotic few who have resisted it within the limits of South Carolina, and who "have not bowed the knee" to its wicked or deluded authors. But I think, sir, the dominant party in South Carolina begin to find that something more than nullification is necessary to enable them to make "Helots" and serfs of the Union party. They, therefore, begin to talk of seceding; of separating South Carolina from the Union; of withdrawing our fealty from that Government established by the toils of our fathers, and cemented by their blood, and of bestowing it exclusively on the nation of South Carolina. I use this language through no feeling of disrespect or unkindness towards South Carolina: I have no motive to insult her. "It is my own, my native land;" it contains all that is near and dear to me, both living and dead; within its bosom the bones of my ancestors repose; upon its soil my family reside; all my property is there; I have not removed one dollar's worth of it from the State; there it is, and there it and myself will remain, "for weal and for wo," until the storm passes over, and the peril of the day is at an end. Our opponents will find that even secession (should they madly resort to it) will not enable them to enslave the Union party. Sir, they will find that, although Union men may be annihilated, they never can be conquered. But I must drop this strain, lest I be regarded as a nullifier myself. And our time is too limited to amplify on any topic.

I will only make a few remarks about the pretended rights of a State to secede from the Union. I have been astonished that some of my worthy friends should eschew "nullification" as they would Satan himself, and yet tolerate and sanction the pernicious doctrine of "secession." This is, indeed, "straining at a gnat, and swallowing a camel." Why, sir, secession goes ahead of nullification, or, rather, it supersedes and swallows up that heresy, as Aaron's rod and serpents did those of the Egyptian magicians. A very little reflection must satisfy any unprejudiced mind that secession is altogether incompatible with the existence of this confederacy. It is incompatible with that duty which the American people owe to their own interests and safety; and it is utterly incompatible with the welfare and happiness of the seceding State itself. Sir, the Government of the United States is not at liberty to permit a State to withdraw from this Union. If it were possible for such madness to seize upon every man, woman, and child, as to desire a separation from the rest of the States, you are under the constitutional obligation to prevent it. But when the dominant party of a State has gained its power by fraud and misrepresentation, holding forth nullification as a "constitutional, efficient, peaceable remedy"—and when a very large and respectable minority of that State protests against secession, and reminds you of your obligations to protect republican institutions, you have no sort of discretion on the subject. The Federal Government is under imperative constitutional obligation to guaranty to each and every State of this confederacy a republican form of Government.

Every body knows that small and weak States, in an isolated condition, could not maintain a republican form of Government. Should the Federal Government permit a State to secede, how could the federal head answer for the kind of Government the seceding State might adopt? We must presume, indeed we know, that, from absolute necessity, the seceding State would be compelled to adopt a more energetic form of Government than a republic. She would be forced to adopt a monarchy, or a despotism of some kind; perhaps a dictatorship, as Poland recently attempted to establish against the formidable Power of Russia.

It has been said elsewhere, and, for aught I know, it may be said here, that this obligation of the Federal Government, to preserve to each State a republican form of Government, existed no longer than a State chose to remain in the Union. Now, sir, if this be true, it was useless to require that guaranty from the Federal Government at all. What was the object of those sages who framed the constitution, in requiring the Federal Government to guaranty to each State a republican form of Government? Was it for the security of the Federal Government itself, and the great body of the American people? No, sir, it would be absurd to require of them a constitutional pledge or guaranty that they would take care of their own liberty and welfare, and not commit political suicide. But, sir, the object of this guaranty was the security of a minority in each State. It was to prevent such tyranny as is now practised by the ruling party in South Carolina. It was to prevent the dominant party in a State (who might obtain their ascendancy by fraud and delusion) from changing the republican Government of that State into a despotism, and thereby tyrannizing over a minority of their fellow-citizens, (as it is now done in my unfortunate State,) and finally ruling the whole with a rod of iron. But if this noble object (I mean the preservation of our State republics) can be defeated by allowing the dominant party in a State to secede, and burst the bonds of this happy Union asunder, it was a folly for our fathers to have incorporated that provision in the constitution. Sir, this right of a State to secede at pleasure, is something like the right of a servant to obey his master until he chooses to rebel. The right of the Federal Government to permit a State to secede, would resemble the obligation of a father to instruct and protect and govern his children until the youngsters chose to throw off his authority, and run away from him. And, sir, as has been said on another occasion, and in another place, by a distinguished gentleman of this House, [Mr. J. Q. Adams,] "The right of a State to secede from this Union, would be the right of an inhabitant of a populous city to burn his own house." Yes, sir, the right of a State to secede, is your right, or any man's right, to burn his own house in the midst of a populous city, and there-

by destroy, perhaps, a hundred thousand of his neighbors.

Sir, if this construction of the constitution is to prevail, any State wishing to set up a monarchy, or form a foreign alliance, has only to declare herself out of the Union to effect her object, or a foreign nation has only to transport about ten thousand of her scape-gallows ruffians into one of our small States, where they can soon become naturalized, vote the State out of the Union, involve the country in anarchy and desolation, and away goes your confederacy and American liberty together.

This would be a much easier and cheaper way for a foreign nation to destroy united North America, than by sending fleets and armies against us.

But, if a State has a right to secede in time of peace, it may have an additional pretext, perhaps stronger reasons, for doing so in time of war. And a State which may be the key to the whole country, containing within her bosom some of your most powerful fortifications and richest arsenals, with a vast proportion of your navy in her harbors, may, at the most perilous moment, declare herself independent of the confederacy, and secede from the Union, make common cause with the common enemy, turn your own batteries and your own ships of war against you, and commit, in the most aggravated manner, what the constitution absolutely defines to be treason. This is the inevitable tendency of this heresy. Sir, if any man can sanction such a hideous, suicidal doctrine as this, and then stickle at nullification, I envy not his sagacity.

This bill, Mr. Speaker, has been likened to the "Boston Port Bill"—it has been called the "Bloody Bill"—and the vocabulary of Billingsgate has been culled and ransacked for abusive epithets to bestow upon it. Are its enemies so foolish as to imagine they can have this bill slain by giving it the name of "mad dog?" Such a stratagem might possibly succeed at a barbacue meeting in the country, but the artifice is rather too shallow to succeed here.

It is pretended that this bill will invest the President of the United States with dangerous powers; that it will make him "a Cromwell"—"a military despot"—"an armed dictator"—and all that.

Now, sir, to all this, it is a sufficient answer to say, the crisis demands it: the circumstances of the country require the passage of this bill; and that similar powers, indeed greater powers, have been vested in the predecessors of President Jackson, on more slight emergencies, and that too by the votes of Southern men. Greater powers were vested in General Washington and Mr. Jefferson to suppress the whiskey insurrection in Pennsylvania, and to enforce the non-intercourse and embargo laws in New England. I say greater powers were vested in the predecessors of President Jackson, because this bill makes the power of the present Chief Magistrate contingent upon the aggressive violence of the ruling party in South Carolina. It defines and limits those powers of the Chief Magistrate which, without this bill, would be latitudinous, and without end. If the dominant party in South Carolina do not use force against the federal officers and federal laws, the President will not feel himself authorized, under the provisions of this bill, to use force against any portion of the citizens of South Carolina. I need not turn to the cases or descant upon the laws to which I allude. We have heard them quoted and commented on, over and over again, by some of the ablest men in the world in the other House, whose speeches have been published in the newspapers, and are now familiar to almost every man in the United States. Every body knows that those powers were called for by Mr. Jefferson, and were vested in him by the acts of 1807 and 1809, to enforce the non-intercourse and embargo laws, and prevent their evasion by the cunning Yankees. Yes, sir, those laws were called for by Thomas Jefferson, who is now held forth as the champion of State rights, and the apostle of nullification itself!

Southern men, I presume, could not see, or at least they could not feel the danger of exercising such powers against Yankees. But when it is proposed to empower the President to coerce Southern nullifiers, if they do not behave themselves, why then, indeed, it is quite another affair—then the Southern bull gores the Northern ox.

It is said, sir, if we pass the "tariff bill," there will be no need for this bill. Well, now should there be no need for the President to exercise the powers granted by this bill, it will be entirely harmless, and its passage can do no injury whatever. But what security have you that there will be no need for the exercise of the powers granted by this bill? Any tariff bill that is now offered embraces, to the fullest extent, the "protecting principle." And the ruling party in South Carolina have declared, in their "address to the American people," that they will be satisfied with nothing short of an entire abandonment of that principle. The representatives of that party here may hope (for they cannot offer you a better guaranty than a hope) that their friends at home may be moderate, if the "tariff bill" passes. But they cannot pledge their party, nor can they account for what their nullifying convention may do, when reassembled on the second Monday in March next. I say, therefore, this "enforcing bill," as its enemies call it, ought to pass, whether the tariff bill becomes a law or not. If you pass "Mr. Clay's bill," or "Verplanck's bill," as they are called, what certainty have you that either of those bills would induce the reckless rulers of South Carolina to pause in their mad career? Each of those bills recognises the "protecting policy," and retains the "principle of protection," unimpaired; and when the convention which passed the ordinance of nullification is reassembled, they may remind you of their "address to the American people," they may tell you that your "tariff bill" does not come up to their requisitions, and that it is not such a modification of the tariff as they, in the plenitude of their sovereignty, had demanded of you. General Hamilton himself, the President of the convention, if he was here, could give you no positive assurance that the convention would be satisfied with your modification of the tariff. Those who raise a political storm cannot long control it, and that convention may proceed to practical nullification and secession. They may declare the Union men traitors, forfeit their lives, and confiscate their estates. But, sir, I say again, we do not ask the passage of this bill for the security of our lives and property. If we cannot defend ourselves against the personal violence of our opponents, let us "go to the wall." But do not, by your legislation here, censure your friends, and sanction the rebellious conduct of your enemies. No, sir, give us extermination, if God wills it; but spare us from reproach and dishonor.

But to return once more to the bill before us. Why not invest General Jackson with full and undisputed powers to meet any emergency that may arise? Is it pretended that he is less patriotic, less devoted to his country, or more disposed to become a monarch or a despot than his predecessor? I believe not. Is there any thing in the history of his whole public life to warrant the belief that love for himself would predominate over his love for his country? Not at all; the very reverse is the truth. Has he not, again and again, staked his life, his character, and his fortune, on the successful issue of his measures for the welfare and safety of his country? Did he not, in the late war with Great Britain, and the more recent war with the Seminole Indians, hazard his life, his fame, his character, and property on the success of military operations for the defence of our frontier inhabitants, and the safety of the country? And has he not, on two recent and memorable

occasions, put his political existence in imminent peril to save the people from a dangerous bank monopoly on the one hand, and the plundering system of "internal improvements" on the other? Sir, I well know that his best friends trembled under an apprehension that he had committed political suicide. Perhaps there is not another man in the world who would have dared to do as much. No other man in the United States could have done so much for Southern views and Southern interests. And yet he has been abandoned and reviled by some Southern men. Yes, sir, by certain Southern men who not long ago bellowed forth praises as loud as the braying of a jack, and who swore "they went for the old hero, right or wrong." (Vide Senator Miller's confession to this effect, in his speech for the rejection of Mr. Van Buren as minister to the Court of Great Britain.)

Well, now, I should like to know what President Jackson has done to merit the desertion of such devoted, such thorough-going, whole-hog friends. What unknown sin has he committed? What sacrilege has he perpetrated against the interests of the political creed of the South? I know of nothing, except his presumption in offering for re-election! "This is the head and front of his offending." It was thought by his real friends, and the real friends of the country, that the re-election of President Jackson, at the present crisis, was important to the preservation of the Federal Union. It was deemed necessary that he should yield his well known predilections for retired life, to the good of his country; and General Jackson has never halted, or dallied, to consult his own ease, or his own popularity, when the interest and safety of his country were at stake. He only inquires what his duty is, what is required of him by his country, and he pursues it, regardless of all consequences to himself. But I do not stand here either as the apologist or the eulogist of General Jackson. He has his oversights, no doubt, as well as all other men; he is not infallible, because he is not a God. He is a man, and therefore liable to err.

His proclamation has been assailed as the "besom of destruction" to State rights. It has been denounced as the most villanous paper on earth, this bill only excepted. Perhaps some of its "doctrinal points" are liable to the cavil and criticism of metaphysical politicians. There is not a more pernicious animal in a simple republic as ours is, (or should be,) than a politician who deals in abstractions. He can refine and mystify upon the constitution until he makes it to mean any thing, every thing, and nothing. Such men can reason themselves out of reason, and out of common sense to boot. General Jackson is not one of those hair splitters; he goes for practical utility. He is, as General Washington was, brave, honest, and devoid of all mystery and dissimulation. His proclamation is of the same character. It may have minor defects. There are spots in the sun, there may be specks on the proclamation. But, in the aggregate, it is sound and orthodox. Some of its reasoning may be liable to criticism, but its end and aim are good. Its great objects are the overthrow of nullification and secession, the execution of the laws, and the preservation of the Union. I believe its enemies concede that it is a well written document. Yes, sir, it is a noble piece of composition. It is written with the light of a sunbeam, and the power of a thunderbolt. It has carried dismay into the ranks of the disorganizers, in all quarters; and it has blasted nullification like lightning from heaven.

Sir, I will only add, that without an adherence to the fundamental principles of this proclamation, this Federal Government cannot long exist, and "State rights" themselves will live only as a name. Sir, this proclamation as little needs my defence as General Jackson needs my eulogy. I love and esteem Jackson as a brave, honest, and patriotic man. I honor him as the greatest living benefactor of our common country. I am proud of him as a Carolinian and a "son of the old Waxhaws." But I do not idolize him, and I have no motive to flatter him. I have never sought, and I never shall seek office from him, either for myself, or for any relative I have upon earth. I have no claims upon President Jackson; he is under no obligation to me. My feeble aid has been given to his elections because I thought the public good and my duty to my country required it of me. I have supported such of his measures and recommendations as I thought to be just and right; I have opposed all that I considered wrong. I shall continue to do so to the end of my political life. I shall detain the House no longer. I am not fond of talking, nor am I fond of those who do love to talk. It is more the province and qualification of old women than of men, "full grown men;" and now, when it is so important we should act, nothing is so injurious to the public interest as long speeches.

In conclusion, allow me to repeat that you should pass this bill, whether the tariff bill pass or not. If the tariff bill becomes a law, and is satisfactory to the nullifiers, this bill, at most, can do no harm. Without it, there is no certainty that your revenue laws or officers will be respected. In short, there will be no security in South Carolina, be the fate of the tariff bill what it may.

Mr. ROOT, of New York, after several preliminary observations, and adverting, rather pleasantly, to what had fallen from other gentlemen in the course of the debate, observed that he rose chiefly to expose some of the anti-republican and despotic principles contained in the first section of the bill. The first section, he said, provides that whenever, in the judgment of the President, it shall become impracticable to collect the duties in the ordinary way, in any collection district, "by reason of unlawful obstructions, combinations, or assemblages of persons," he may "direct that the custom-house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel." Whether the security of the place where this newly established custom-house is to be located, either upon *terra firma* or upon the wave, is to be determined and designated by the President himself, or by some subaltern or agent, does not appear by the bill; but, at all events, the designation of the place as well as its security, and the necessity of such removal and designation, are to be determined by the arbitrary will of some one. That will is the law, and the lawgiver executes the deed. Whenever the President shall have formed his judgment, no matter upon what evidence, or whether upon any, that an unlawful combination to obstruct the due execution of the revenue laws does exist in any collection district, in any part of the United States, not confined to South Carolina alone, and a "secure place" shall have been designated for a floating or stable custom-house, it is made the imperative duty of the collector to reside there, and "to detain all vessels and cargoes arriving within the said district, until the duties imposed on said cargoes by law be paid in cash." Thus, on the change of location of the custom-house under this act, differing from a change which may now be made by law by the Secretary of the Treasury, whenever the safety of the revenue may require it, the collector is bound to detain a vessel and cargo arriving in any part of that district, and compel the payment of cash duties. When, in the opinion of one man, there exists in any part of any collection district of the United States an unlawful combination or assemblage of persons, to obstruct the due execution of the revenue laws, the custom-house must be removed—must be removed to a "secure place," and there cash duties must be paid. For an offence, or contemplated offence, in any part of the district, and that perhaps existing only in the imagination of a single individual, the known laws of the land are to be changed and made penal, and that penalty inflicted upon an innocent victim of its despotic action.

The owner or consignee of a vessel and cargo arriving in port, intending in good faith to pay the duties as required by law, having their sureties ready to give the requisite bonds, and not being in funds to pay the cash, is met by the collector or his agent, his vessel and cargo seized without process of law, and taken to the "secure place," and there detained until the duties imposed upon the cargo be "paid in cash." This penalty, for it is a penalty, notwithstanding the interest is to be deducted, to be compelled to pay in cash when a person is not prepared for the unexpected event—this penalty, said Mr. R., is inflicted upon an innocent person, acting in strict conformity to the known requirements of law, and unconscious of any offence against the revenue laws having been perpetrated or contemplated within the district, and wholly unable to conjecture the operations on the mind of the President.

But this is not all. If the owner of the vessel and cargo shall be unable or unwilling to pay the cash required by this arbitrary act, unknown to the laws; if, in his love of liberty and the rights of property, he should repose himself upon the fourth article of the amendments to the constitution, wherein it is declared, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized;" if he should feel disposed to seek redress for this supposed act of lawless violence; and if, in seeking that redress, he should apply to a court of competent jurisdiction of that State to which he owes a paramount allegiance, and whose protection he has a right to claim; and suppose this to be done without reference to the late replevin law of South Carolina, made to carry into execution her nullifying ordinance, but in the usual course of practice in such courts, by detinue or replevin, according to the course of the common law or practice of the State courts; and if, in the execution of the proper process, it should become necessary for the sheriff to call to his aid the power of the county, then follows the tremendous sanction intended to be provided by the bill—a sanction no less terrible than a declaration of war, and that, too, against "a free, sovereign, and independent State." That declaration of war is to be made by the President alone, while, by the constitution, the power "to declare war" seems to be the peculiar attribute of Congress. I call it a declaration of war, said Mr. R., because it provides a military armament in opposition to the execution of process issued out of State courts. It is not the military force authorized by the constitution, to be called forth "to execute the laws of the Union, suppress insurrections, and repel invasions," but a mixed band of mercenary soldiers and sailors, whose office and whose duty it is implicitly to obey the will of a despotic commander. This combined land and naval force is not provided to aid in the execution of the laws of the Union, but to aid in resisting the judicial authorities of a State. Were a judicial decree of a court of the United States to be executed, the militia might rightfully be called forth to aid in its execution. Were some Executive act to be done, in case of resistance, the militia might be called upon to aid in its enforcement; but here, embattled legions of mercenary soldiers are to be arrayed to prevent the execution of laws, or the service of the process of courts. There is no Executive act to be done to the devoted vessel and cargo while she lies alongside the dock or floating custom-house; there is no act to be done by the collector which requires the action of military power; there is no action upon the vessel and cargo provided by the bill—nothing but detention till the cash duties are paid; there is, then, no act to be enforced—nothing to which military force can be applied—to which the bayonet may be pointed; no movement but that of the sheriff, and those he may have called to his aid. Against this power, this "combination" and "assemblage of persons," rightfully executing the process of a State court, this war is to be waged. The sheriff, acting in obedience to the laws of his State, and the mandate of his court, and not knowing of any contravening law, because there is none in existence, is fired upon and slaughtered by the minions of despotic power.

The subsequent sections of the bill, said Mr. R., may be well enough; they are mostly of a judicial character. The President informed us, at the opening of the session, that he had law enough to meet any emergency which might grow out of the then existing state of affairs with South Carolina. Soon afterwards, her Legislature, in order to carry into execution her ordinance of nullification, passed her noted replevin law. This required some counteracting law on the part of the General Government. The succeeding sections of this bill provide for that counteraction. South Carolina planted her judicial batteries to repel our fiscal attacks. It is fit that we endeavor to silence her batteries by a similar armament. The committee of this House have reported a bill containing these provisions as adequate, and the only means necessary for the occasion. Whether we pass that bill, or the sections of the same character in the bill from the Senate, is quite immaterial; they are substantially the same.

South Carolina, by her ordinance, has declared that certain acts of Congress are unconstitutional, and, therefore, null and void. Her statesmen, advocating this measure, are called nullies—nullifiers; we, too, are about to declare, by the third section of this bill, that, on the service upon the clerk of a State court of a writ of *certiorari* or *habeas corpus cum causa*, sued out of a circuit court of the United States, whether return be made thereto or not, the proceedings in the State court are "deemed and taken to be moved to the said circuit court, and any further proceedings, trial, or judgment therein in the State court shall be wholly null or void." Are we then about to become nullies—nullifiers? Here is nullification against nullification, to be tried in a judicial combat—which party are the rightful nullifiers? Let your courts pronounce their decrees of nullification, and then, if a military force shall be necessary to aid in the execution of their decrees, call it forth. Then, if the President shall require any additional enactment, let it be made; arm him with sufficient power to perform all the duties required of him by the constitution, but give him no unnecessary, no arbitrary and despotic power. I presume he will not exercise the power if you give it to him. The olive branch, the compromise tariff bill, will probably allay the excited feelings of the South. There will be no need, in the opinion of any one, of waving the bloody flag. I would not offer despotic power to any man, however mild, however dove-like may be his disposition. I never approved the conduct of him who offered the crown to the modest and blushing Cromwell: Cæsar, too, declined the proffered honor; it should not have been pressed upon him.

Mr. R. said it had been attempted, and that from high authority, to justify or excuse the despotic features of this bill by likening it to the act for the enforcement of the embargo, passed in 1807, during the administration of the illustrious Jefferson, that apostle of democracy. Had any act passed during his administration granting to him despotic powers, and had it been approved by him, as much as I loved and venerated that great and good man, I should not have approved the deed. I loved the man, but I loved my country more. But the act to enforce the embargo was utterly unlike the provisions of the bill now under consideration: that gave to the President the employment of the land and naval forces to prevent the escape of vessels out of the jurisdiction of the courts—a sort of *ne exeat*, requiring something more than ordinary judicial

process to prevent a departure from its jurisdiction. This bill provides for seizing the vessel and cargo after it has come within the jurisdiction of the courts; that provided for retaining them within the jurisdiction of the courts, there to be tried, if offending, according to the known rules of law; this provides for the conviction and punishment of the victim, without trial by either judge or jury—without the privilege of confronting his accuser, or bringing witnesses in his defence.

This bill, said Mr. R., has had several of its sharp points knocked off. The Senate has made several amendments to it, favorable to liberty and the rights of the citizen, since it came from the Executive factory. Still, Mr. Speaker, there are offensive provisions yet left in the first section. Before I can consent to vote for it, even as it is, I must surrender those democratic principles--that sacred love of liberty which I have cherished from my early political youth. Shall I sacrifice my better judgment at the shrine of despotic power? Never, never let the annals of my political history be blotted with so foul a stain; never let my children's cheek be crimsoned by an invidious finger pointing to the journal of this House, and saying, "There stands recorded your father's vote, surrendering to power the liberties of his country." Vote for that section! No, sir. Such a proposition would have caused a blush upon the cheek of federalism--ultra federalism, in its proudest and most unblushing days.

Mr. McDUFFIE expressed his desire of being heard before the bill should pass, and moved that the House adjourn.

The House then adjourned, [at about 10 o'clock.]

THURSDAY, FEBRUARY 28.

Mr. ADAMS moved that the further reading of the report made by him from the minority of the Committee on Manufactures be dispensed with, and that it be laid on the table, and printed.

Mr. HOFFMAN demanded a division of the question.

It was divided accordingly.

The motion to lay on the table was agreed to.

On the question of printing, Mr. HOFFMAN addressed the House in opposition to it, and went into a statement of facts in relation to the report. He said it had never been submitted to the committee in time for its action. It purported to be a counter report, or report of the minority; but where was any report from the majority? It was new to ask a majority to agree to the report of a minority which they had never had an opportunity even to hear. Mr. H. dwelt on the mischievous tendency of such a practice, if sanctioned by the House. He insisted there was nothing, either in the substance or manner of the paper, which ought to induce the House to print it. It was neither a report nor counter report, but a speech—an argument of an individual. Mr. H. was proceeding to enter on the subject-matter of the paper, when Mr. BELL called for the orders of the day.

REVENUE COLLECTION BILL.

The House then resumed the consideration of the bill further to provide for the collection of the revenue.

Mr. McDUFFIE rose, and addressed the House in opposition to the bill.

Mr. WAYNE, of Georgia, next rose, and spoke at great length in support of the bill.

A motion was then made for a recess till 5 o'clock, and carried.

EVENING SESSION.

The House resumed the consideration of the revenue collection bill.

Mr. FOSTER, of Georgia, said it was not with the vain hope of producing the slightest effect on the decision of the question now pending, that he rose to address the House. He must be blind, indeed, said Mr. F., who does not see that there is a fixed and settled determination, on the part of a very large majority of this House, to pass this bill. It would scarcely be going too far to say (and I hope in saying so I shall be guilty of no irreverence) that this majority "would not be persuaded" to reject this bill, "even though one rose from the dead." No, sir, the question is already decided; and as sure as the final vote is taken, just so sure the bill on the table will become a law of the land. But, Mr. Speaker, it is a duty which I owe myself to present my views of this deeply interesting subject, and I beg the indulgence of the House while I attempt to do so.

It was my fortune to belong to the committee to which the message of the President, suggesting the measures now under consideration, was referred. On a careful and deliberate investigation of the various suggestions contained in the message, I could not give my assent to the most prominent of them, and united with a majority of my associates on the committee in a report which was, some time since, submitted to the House. The views presented in that report it is now my purpose to defend.

It would have been gratifying to me, Mr. Speaker, to have heard, from the advocates of this bill, an examination and defence of its details; but they have not thought proper thus to discuss it. My colleague, [Mr. WAYNE,] who has just taken his seat, reflected somewhat on the gentleman from South Carolina, [Mr. McDUFFIE,] because, in the course of his argument, he referred to but one of the provisions of the bill; and yet my colleague was guilty of the very same omission. He is the strenuous supporter of the whole bill, but did not bestow even a passing remark upon only one of its features—the employment of the military force. I shall not follow the example of gentlemen who have preceded me; it will be my object to investigate the details of the bill, and notice the prominent measures which it proposes; and if I cannot hear reasons in favor of them, I will endeavor to show some against them, which, if not satisfactory to the House, are entirely satisfactory to myself.

It is not to be disguised that this is an administration measure; it comes to us not only approved, but asked for by the Executive; and, therefore, as a friend of the administration, it would have given me great pleasure to have been able to yield it my feeble support. But, however high my respect for the President and his constitutional advisers, I cannot sustain their policy at the sacrifice of my own principles and opinions. I shall never be so much the partisan or friend of any man as to surrender the honest convictions of my own judgment. In opposing, however, the recommendations of the President with regard to South Carolina, I take the occasion to disclaim any imputation whatever on his motives. In the integrity of his motives and the purity of his patriotism I have the utmost confidence—quite as much, certainly, as many gentlemen around me who are so zealously sustaining these recommendations.

I owe it to myself, Mr. Speaker, also to say that I do not appear here as the advocate of South Carolina; I do not approve her recent measures. Do not imagine, however, that I am about to join in those unmeasured censures and denunciations which have been so lavishly bestowed upon her. No, sir; this is a crusade in which I shall be among the last to enlist; it is an enterprise which presents no temptations to my ambition; it is a field in which I shall gather no laurels. Sir, South Carolina is the natural ally, the sister of Georgia. Her gallant sons are our neighbors, our brethren, our fellow-sufferers; and, while disapproving their acts, I can most truly say that "with all their faults I love them still."

But, Mr. Speaker, I have promised to enter into an investigation of the details of the bill under consideration, and I now proceed to the task.

The first section provides, in substance, that when, by reason of unlawful combinations or obstructions, it shall become impossible to collect the duties on imports in the ports of any State, the President shall be authorized to remove the custom-houses to some secure place, either on land or water, and to direct that the duties on merchandise imported into such ports shall be paid in cash, deducting the legal interest. Now, sir, although no particular State is designated, yet we all know as well that this measure is intended for South Carolina as though she were named in the bill. Indeed, the object avowed by the President is to countervail the ordinance and legislation of South Carolina.

The very first suggestion which this proposition must present to the mind of every one is, its palpable inequality and injustice. It is well known that there are a great many merchants in Charleston who have no intention of taking the benefit of the late laws of Carolina, for the purpose of avoiding the payment of the duties. They will continue to import their goods, give their bonds, and pay them punctually as heretofore. Would it not then be unjust in the extreme, to deprive these men of rights and privileges secured to all other citizens of the United States? and that, too, in a Government whose boast has been, and ever should be, its equal laws? Sir, this injustice is too obvious, it affords no ground for argument; the mere statement amounts to demonstration, and presents a striking instance of consigning to a common fate those who obey and those who transgress the laws, which it is one of the most sacred duties of Government to prevent.

But weighty and conclusive as this objection is, it is light compared with another. Sir, the requisition of cash payments, as contemplated, will, in my humble judgment, conflict with two clauses of the constitution.

I am aware, Mr. Speaker, that, on the subject of the constitutional powers of the Government, I entertain what are now regarded old fashioned notions. I early conceived a strong bias (many gentlemen will, no doubt, consider it a very unfortunate one) in favor of a rigid construction of this great charter. It has been a part of my political education, and mature reflection has but confirmed the lessons of early instruction. It may not become me to say that I have been "trained up in the way I should go," but there is certainly not much probability of my "departing from it." When, then, I am called upon to do any act as a member of this House, I turn to my power of attorney—to this instrument, which has been the theme of so much eulogy, and the subject of so much abuse; and if I cannot find authority there for the act required, it is more than I dare to do to yield my assent. And gentlemen must pardon me for reminding them of the high responsibility under which they act here—a responsibility much more solemn and fearful than that which they owe to their constituents. And I beg them to be candid with themselves on this occasion, to test the bill on which they will soon be called upon to vote, by the constitution which they have so solemnly sworn to support; and let an unbiassed conscience render an impartial judgment.

Really, Mr. Speaker, had it not been for the source from which some of the suggestions embodied in this bill emanated, were it not for the profound wisdom and transcendent talents of the authors and advocates of these propositions, it would be difficult to conceive how there could be two opinions as to their constitutionality, or, rather, their unconstitutionality. Allow me to invite the serious attention of gentlemen to the clauses in the constitution to which I have alluded. The first is, that "all duties, imposts, and excises, shall be uniform throughout the United States." Now, will any gentleman contend, does any one believe, that the deduction of six per cent. interest for cash payments would be equivalent to the indulgence allowed by the present credit system? Where is the importing merchant who will admit it? Where is the one who would consent to a change from credits to cash duties on these terms? Ask the merchant who resides in the interior, equidistant from Charleston and Savannah, and who imports goods to each of those ports, paying the duties in cash, deducting the interest at the one, and bonding under the existing laws, at the other—ask this importer whether he considers that he pays the same duties on each of his cargoes, and what would be his reply? You know he would tell you there was an essential difference. There is an inquiry proposed in the report of your Committee on the Judiciary on this subject, the answer to which would put this subject at rest. If there be no difference between the credit system and cash payments, allowing a deduction of the interest, why do you not abolish credits, and save the Government the immense losses which it is constantly sustaining by the failure of importers and their sureties? Think, too, of the great trouble to which you are frequently subjected, in the collection of these custom-house bonds, and then tell me whether the present system would be continued by Congress, if they could, without serious inconvenience to the mercantile community, and, indeed, without a severe pressure upon the whole country, substitute cash payments, with the inconsiderable deduction of six per cent.

If we needed an additional argument, and one which will place this point entirely beyond dispute, the very terms in which the proposition is expressed, will furnish it. The duties are to be paid in cash, deducting the interest. Now, I appeal to the candor of gentlemen, and I wish "the still, small voice" which breathes the response could be audible—I would ask every intelligent man to tell me why this deduction of interest is to be allowed. Have you any doubt that this provision is intended for the purpose of preserving that very uniformity required by the constitution, and thus obviating the constitutional difficulty? Sir, if the author of this suggestion were asked, he would tell you this was the object. If, then, this deduction is not sufficient to equalize the cash and credit payments, is not the constitution as plainly violated as though no deduction at all was made.

Let me now turn the attention of the House to the other clause of the constitution to which allusion has been made. It is in the ninth section of the first article, and is in these words: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." It will certainly not be necessary to show that this bill provides a "regulation of revenue;" and yet this is not more plainly apparent than that, by this "regulation," a very decided preference will be given to those ports where it shall not prevail, over those where it shall be enforced. Adopt this regulation in the ports of South Carolina, and the languishing commerce of Savannah would soon revive and flourish, while the active and lucrative trade of Charleston would be effectually destroyed, and its great wealth and growing prosperity thus completely sacrificed.

The only answer which has been given to these constitutional objections is, that the provisions of the bill are general—applicable to all the States equally, and to none unless the execution of the revenue laws is obstructed. Sir, this is scarcely a plausible subterfuge. What is the proposition? That in case the laws are obstructed or resisted by a force too powerful to be overcome in the ordinary way, the President may order the removal of the custom-houses, and require the payment of the duties in cash. Let us simplify the proposition as much as possible. If Congress can confer this power upon the President, it may unquestionably exercise it itself; and if it can provide the proposed remedy for a future contingency, it may certainly apply the same remedy if the emergency had

already occurred. Suppose, then, that from and after the 1st of February, some of the merchants of Charleston had availed themselves of the benefit of the nullifying laws, and had actually, by the aid of the State courts, succeeded in rescuing their goods from the custom-house officers without giving them bonds, or paying duties, and this fact is reported by the collector to the Government. Here is the case fairly presented—the very state of things which you are endeavoring to guard; your laws are nullified, their execution resisted by a force too powerful to overcome in the ordinary way, and that force acting under the authority of the State. Now, will any gentleman point me to that clause of the constitution which relieves you, even in such extreme cases as these, from the restrictions and prohibitions to which I have referred? Sir, there is none. These provisions of the constitution are plain and explicit, and cannot be evaded; turn which way you will, and they stare you in the face. Gentlemen may, indeed, by ingenious and refined distinctions, silence their scruples, and persuade themselves into the support of this bill—they only deceive themselves. It is utterly vain to attempt to reconcile it with the constitution; it is beyond the reach of argument; the contradiction is too plain and palpable. Disguise it as you may; resort to all the arts of construction, but "to this complexion it must come at last."

Yes, Mr. Speaker, the passage of this bill will be another deep (God grant it may not be a fatal) stab to this sacred instrument. And really I had hoped that its already mangled body would have protected it from further outrage. The condition to which your repeated attacks have reduced it, is sufficient, it might be supposed, to disarm even its most vindictive enemies. Let me entreat you, then, to stay the uplifted arm, and withhold, it may be, the finishing blow. Sir, had I the power, like Mark Antony, "I would put a tongue in every wound" which your ill-judged legislation has made, to implore your forbearance.

To those around me who have recently evinced so much zeal in the cause of the constitution, and affected so much anxiety to save it from sacrilegious hands, I particularly appeal. I especially invoke the aid of an honorable gentleman, [Mr. VINTON, of Ohio,] who, a few evenings ago, in the fervency of his patriotism, was ready to see all our rivers running with blood, and this great confederacy converted into one vast slaughter-house, rather than have one tittle of the constitution obliterated by force. And, sir, had I but a small portion of that powerful and commanding eloquence, which I heard on a recent occasion,* in another place, in the anticipation of dangers to this sacred instrument, "calling on all the people to its rescue," in a tone and manner which I can never forget, and which filled me with emotions too big for utterance—I repeat, sir, did I possess a particle of this overpowering eloquence, I would call in loud strains, not upon "all the people," but upon these their representatives, in this hour of imminent peril, to come to the aid of the constitution, and save it from the danger which threatens it, from specious and subtle construction. For if it must fall, it matters little whether by the hand of violence, or by the unperceived and undermining process of ingenious and plausible sophistry. I would, indeed, prefer the attack by open violence, because then we could see the extent of the danger, and might prepare to encounter it.

But, Mr. Speaker, the first section of this bill further provides that, to enable the collector more effectually to exact the payment of cash duties, as proposed, he shall seize and detain all vessels and cargoes until the duties are paid; and in the event of an attempt to take such vessels or cargoes from the possession of the collector by any force, combination, or assemblage of individuals, or by any process, other than from a court of the United States, the President, or such person as he shall empower for that purpose, may employ such part of the land and naval forces, or militia of the United States, as may be necessary to prevent the removal of the vessels or cargoes from the possession of the officers of the customs, &c.

Sir, that proneness to resist the exercise of all powers not delegated to us, of which the House has had some evidence, prompted me, when a proposition was made to confer power so great, and of such dangerous tendency, to consult again the charter under which we act. On examining, with great care, I find in the constitution that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, and repel invasions." The very object of the bill on your table is, to enable the President to execute the laws. Now, I will not say that, in extreme cases, when no other means could be available, Congress might not, under the power to "pass all laws necessary" to carry the granted powers into effect, resort to the regular army and navy; but I will say that the very provision for calling forth the militia shows very clearly, that, in the view of the framers of the constitution, the execution of the laws, if military force should be necessary, should be left to the militia, the yeomanry of the country. Our ancestors, in their difficulties with the mother country, had learned a lesson as to the enforcement of laws by the aid of a standing army, from which they seem to have profited; and they confided this dangerous trust to those who were most deeply interested in a faithful, but mild execution of the laws—the great body of the people. And, upon the legal maxim, that "the inclusion of one is the exclusion of all others," the provision for calling forth the militia to execute the laws excludes the idea that any other force was contemplated for this purpose.

That this was the view of those who were concerned in the formation of the constitution, is plainly inferrible, from the fact that the first laws passed for the suppression of insurrections in 1792 and 1795, were entitled acts "to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion," in the very words of the constitutional provision.

But, Mr. Speaker, I maintain that the present attitude of South Carolina does not furnish such a case as was contemplated by the constitution, where the laws were to be executed even by the militia. There is no "insurrection" there, within the meaning of the constitution, nor is there such a "combination to obstruct the execution of the laws" as contemplated by the acts of 1792 and 1795. Whatever proceeding is had under the ordinance of South Carolina is the act of a sovereign State—it is the exercise of sovereign power. Whether this right belongs to the State, it is not necessary, for the purpose of this argument, to inquire. She claims it, and has exercised it, and any act done under the authority of the State, will be protected by the State. To attempt, therefore, to reduce individuals, acting under this authority, to obedience to your laws, will be an attempt to coerce the State—it will be making war upon the State. And this power, as stated in the report of the Judiciary Committee, and as all who have read the journals of the Federal Convention know, was several times proposed to be given to Congress, but uniformly rejected. But, on this point, I shall adhere to the course pursued by the committee. I will not be drawn into a discussion of the right of this Government to make war upon one of the States. Far, far distant be the day when such an inquiry shall become necessary.

Even admitting, however, for the sake of argument, the power in question to exist, I ask the attention of the

* Alluding to the speech of Mr. Webster, in the Senate, on this bill.

House to a few considerations which should induce Congress to forbear the adoption of the rigid measures proposed in this bill. And the first and most obvious is, that there is not the slightest necessity for it. The law providing for a modification of the tariff, which passed this House a few days ago, and which has already received the sanction of the Senate, has relieved us from those alarming apprehensions which we have unhappily had too much reason to indulge, and will soon quiet the agitations of our distracted country. Sir, this law was, emphatically, a measure of compromise; it was so tendered on the one side, and received on the other. It is the bow of peace on the dark and angry clouds which have so long lowered, and with such fearful portent, on our Southern horizon. Suffer, then, the troubled elements to become again calm; and here let us assemble once more round the altar of our common country, all hands united, all hearts mingled; let the sound of peace, peace, go forth from this hall, and its happy and healing influence extend to the remotest borders of the republic.

But it is said by my colleague, [Mr. Wayne,] and the suggestion has been made by others, that we have no assurance that South Carolina will repeal her ordinance, or that she will not nullify the tariff law which we now pass, as she has those of 1828 and 1832. Sir, let us be candid with ourselves on this occasion. It is indeed possible that this may be the case; but does any one believe it will be? At the intercession of a sister State, the convention by which this ordinance was passed, have been ordered to reassemble; and it is notorious that the object of this reassembling is to suspend the operation of the nullifying laws until the close of the next session of Congress. This, too, let it be remembered, was done at a time when all hope of a modification of the tariff by this Congress had been nearly extinguished. With these facts before us, then, and with the still more striking fact that every Senator and Representative in Congress from South Carolina has voted for this modification, where is the man who can for a moment indulge a serious apprehension that that State will attempt to arrest the operation of the law? If there be a member of this House who does really entertain such apprehensions, I have some curiosity to know him. It will certainly entitle him to a distinction which he should not lose the opportunity of acquiring, and I will, therefore, pause to see if there be one who will make the avowal. [Mr. F. here paused, but no gentleman rising, he proceeded:] As I expected--a death-like silence! No, sir, there is not an intelligent man here or elsewhere, who entertains a reasonable doubt that South Carolina will not acquiesce in the compromise which has been effected.

But, Mr. Speaker, it is further argued that unless we pass the bill now on your table, the modification of the tariff will have the appearance of concession--a yielding to the demands of South Carolina--that it will seem as though the General Government had been bullied into measures. At the same time, it is admitted that the complaints of the South are just, and ought to be redressed. Sir, I have been more than astonished at the frequent repetition of this objection during this session. What, sir, is the legislation of the American Congress to be governed and regulated by such fastidiousness? How many a noble and gallant spirit has met an untimely fate under the misguidance of these false notions of honor! refusing to make just reparation--to atone for an injury, because a challenge had been given! And yet we, to whose hand are confided, in an eminent degree, the destinies of fifteen millions of people, are prepared to resign their high and important interests--nay, to stake the very existence of the Union upon this delusive idea! Sir, how long before we shall be able to sink the feelings of the man in the noble and elevated and enlarged views of the statesman?

Gentlemen tell us, however, that, by decisive measures on the part of the Federal Government, all opposition to its authority will be put down, and the majesty of the laws vindicated. How soon we forget the teaching of history and experience! What instructive lessons do they give us as to the consequences, in national as well as individual quarrels, of a course of menace on one hand, and defiance on the other! Collisions and violence have scarcely ever failed to be the result. But we are told, with a triumphant, if not an unfeeling air, that it will be an easy matter to put down South Carolina; that the President has assured us that the laws shall be executed, and his character is a sufficient guaranty for the redemption of the pledge. All this may be very probable. From the accounts we have of popular meetings, and the numerous offers of patriotic volunteers to enlist in this glorious enterprise, you have certainly little cause to doubt your success. But how would you enjoy it, when purchased at the expense of the blood of your valiant and chivalrous Southern brethren? Who would rush madly on to crush even what some consider a rebellion, when the lives of hundreds of our own countrymen must be the cost? Sir, I envy no man his feelings, who can either boast of such an anticipated victory, or could exult in the bloody achievement.

But do you not run the hazard of provoking the other Southern States to take part with South Carolina? Much as they disapprove her course, the origin of this controversy is common to them all; there is an identity of interest and of oppression, which is rapidly producing an identity of feeling. Sir, are not the present indications sufficient to warn gentlemen? Do not the unquiet state and feverish excitement in many parts of the Southern country admonish you of what may follow the first act of violence? Sir, once kindle this fire in the South, and who shall extinguish it? Excite the resentment and passions of a gallant and high-spirited people, and who shall control them? Raise the tempest, and who shall allay it, or calculate its ravages? Where is the master spirit that can "ride on the whirlwind, and direct the storm?" What hand shall chain the billows of the raging ocean? Believe me, sir, these are not the suggestions of an excited imagination. Violent and oppressive measures in other countries have generally resulted in convulsions and civil wars; and beware that you do not make the history of your own a mere transcript from their records.

There are many past occurrences, Mr. Speaker, to which it is painful to advert; yet I cannot consent, on this account, to waive an advantage which one of that character affords. A short retrospect will bring to our recollection an event which will fully illustrate the argument I am now endeavoring to urge. The gentleman from North Carolina [Mr. Carson] yesterday referred you to the unpleasant controversy which existed in the year 1825, between the General Government and the State of Georgia. That controversy, and many of its attendant circumstances, are fresh in my recollection. I well remember the unequal contest which, single-handed, and alone, we waged against this Government. We not only derived no aid from our sister States, but public opinion throughout the whole of them seemed to be against us. This was, indeed, "fearful odds." It was our good fortune, however, in this important crisis, to have at the head of our executive councils one of those choice spirits who seem designed for great occasions. With a firmness that never faltered, and a resolution that no circumstances could shake, he took his stand upon the ramparts of State sovereignty, and resolutely resisted every attempt on the part of the Federal Government to interfere with the just rights of the State. Finally, however, the Executive of the Union ventured to threaten us with military power. The effect was instantaneous, it was

an electric shock; the feelings which it produced spread from the Potomac to the Mississippi. Then it was that the sympathies of our Carolina brethren, who had previously given us no countenance, were aroused in our behalf, and every northern breeze wafted to us the most cheering assurances that if an attempt should be made to execute the threat which had been uttered, we should not be left to contend alone against our gigantic adversary. And can it be matter of wonder now, that Georgia should manifest a deep interest in the fate of South Carolina? Can she so soon forget this generous sympathy? No, sir, she can never be unmindful of it, nor ungrateful for it. Happily the difficulty was adjusted, and the historian has not now to record, in letters of blood, the mad experiment.

But, sir, we have evidence on this point of a still later date. What has been the effect of the President's recent proclamation, in which a resort to force was intimated? What do gentlemen from the South learn from their private letters? What do the newspapers inform them as to the state of feeling which has been thus produced? Is it not thus plainly to be foreseen what must be the result of an attempt to control or subdue one of these States by military power?

But, Mr. Speaker, I am willing to concede to our adversaries all the advantage in the argument, by the possibility which they allege, that Carolina may not repeal her ordinance. "What, then," say the gentlemen, "are not the laws to be enforced?" To this I answer, that the bill reported by the Judiciary Committee, together with the laws already enacted, will enable the civil authorities to make the effort. And even if it were certain that they would fail, it is better that the President should be reduced to the necessity of convening the new Congress to devise the means of meeting the exigency, than to proceed now to violent measures. Even though the Federal Government has the power to crush South Carolina, it would be magnanimous to forbear. Be kind and indulgent to her waywardness; give her no cause for further provocation; but bring her back, by gentle and conciliating means, to the path of her duty. And who is there that would not prefer a triumph, thus peacefully obtained, to one gained at the point of the bayonet?

I am free to declare, however, that even if these means should not succeed, and there were no modification of the tariff, I would not, either now or hereafter, resort to military force. I would much rather present to a State assuming the attitude of South Carolina, the alternative of submission or secession. I cannot for a moment tolerate the idea of subjecting one of these States to martial law, of governing any part of this great confederacy as a conquered province. There is something abhorrent to my feelings in the suggestion of the bare possibility that the trial by jury is to be superseded by the sword. In the first inaugural address of Mr. Jefferson, the ablest production that ever came from his pen, (the Declaration of Independence always excepted,) he expresses the opinion that "ours is the strongest Government on earth." And why? "Because," says he, "it is the only Government where, at the call of the law, every man will fly to the standard of the law." Yes, sir, here is your reliance for the execution of your laws—it is on your people; and to make this reliance sure, your laws must be so framed, and so administered, as to obtain for the Government their affection and confidence.

These are the sentiments, substantially, expressed in an extract which I had occasion a short time since to read to the House, from a speech of the late distinguished Mr. Bayard. I have now to ask the attention of gentlemen to another extract from the same speech. It will require no remark from me to point out its application to the present crisis: indeed, it is so very appropriate, that I have procured the printed volume which contains it, lest, if I should quote from memory, I might subject myself to the suspicion of forgery. I will read but a single sentence:

"Your Government is in the hands of the people; it has no force but what it derives from them; and your enforcing laws [mark the expression] are dead letters, when they have ever been driven to resist your measures."

Sir, I would that gentlemen may hear and receive this as a voice from the tomb of the illustrious dead.

But, Mr. Speaker, I have an argument to urge against the main provisions of this bill, which addresses itself particularly to those gentlemen who believe in the unconstitutionality of the protective system. This bill is intended to provide for the execution of the existing tariff laws, whether the proposed modification takes place or not; which laws have been declared by nearly all the Southern States to be unconstitutional. This I understood my colleague [Mr. WAYNE] to admit: if I am mistaken, he will correct me.

[Mr. WAYNE said he had expressly admitted the protective system to be unconstitutional.]

I am glad that I did not misapprehend my colleague. But it is difficult for me to conceive how we can maintain that the tariff laws are unconstitutional, and yet provide the means for enforcing them. We are bound by our oaths, and by the most sacred of duties, to support the constitution; and yet we contribute our aid in passing laws to violate it. We are told, however, that these tariff laws having been passed according to the forms of the constitution, we are bound to provide the means of enforcing them. Sir, I am too little of a political casuist to lecture on the morality of these principles. This subject I shall leave to gentlemen who are not only more able, but more disposed to discuss it. For myself I cannot feel these constitutional or moral obligations prompting me to aid in the execution of unconstitutional laws. I am aware, sir, that a Southern man acknowledging these obligations, and acting accordingly, will receive the commendation and applause of those who are interested. If, under the influence of these principles, we should aid our tariff brethren in carrying their protective laws into execution, they would, in turn, compliment us upon our generosity and liberal views. They might well do so; these complimentary speeches, like all others, cost nothing; whatever profit is made by them, therefore, is clear gain. There is no safer investment than that of compliments; for there is no capital required, and there is no hazard, except that of losing a character for sincerity; a very trivial consideration, when compared with the profits of the speculation. I hope I shall not be considered as exhibiting any thing like indifference to the good opinions of my political adversaries. Far from it. No man appreciates more highly, or reciprocates more cordially, their feelings of kindness and personal esteem; but I should be unworthy of those feelings, if I were capable of bartering away my principles and the interests of my constituents, to conciliate them.

I come now, Mr. Speaker, to the consideration of that part of the bill before you, which provides for removing to the United States courts any suit or prosecution commenced in a State court, against a revenue officer, for an act done in the discharge of his duty, as prescribed by law. That some amendments of the existing laws, in cases of this kind, are necessary, I candidly admit. Where an officer is sued in a State court, for an act required by a law of the United States, it is a case "arising under the laws of the United States;" one of the very cases to which the judicial power of the United States, under the constitution, extends. The exercise of this jurisdiction, it seems to me, for many reasons, ought to be provided for; and that provision is made in the bill reported to this House by the Committee on the Judiciary. But when it is proposed to extend this provision to criminal prosecutions, I cannot assent to it. It is an attempt to

give to the federal judiciary cognizance of criminal cases where a State is a party, for which there is no warrant in the constitution. Having, on two former occasions, in this House, expressed my views on this point, I shall not repeat them now, but content myself with referring gentlemen to the able argument of Mr. Madison, in the Virginia report of 1798, and to the explicit exception to the exercise of this power in the ratifications of the constitution by the conventions of New York and Rhode Island. I should, indeed, exhibit a specimen of singular inconsistency, to vote for this provision, after having so repeatedly denounced the exercise of the power by the federal tribunals as unauthorized; and I should be recording, at the same time, a most severe sentence against the public authorities of the State of Georgia, who have not only expressly denounced the power, but openly refused submission to it. Sir, were I now to concede this jurisdiction to the federal courts, I should expect the ghost of the ill-fated Tassels to haunt the dreams of the midnight hour, and to hear his "blood crying from the ground" against the people of my State.

I have much more to say on this important subject, Mr. Speaker, but at this late hour, after the polite and attentive hearing with which I have been honored, I cannot so much abuse the patience of the House as to trespass much longer upon it. I was particularly desirous of adverting to those laws which my colleague [Mr. Wayne] referred to as precedents for this bill; but a slight notice of the most prominent of them must suffice. Sir, it is not the least of the alarming considerations which attend the introduction and advocacy of this bill, that the defence of its most objectionable parts is founded on precedent. My colleague tells us that the provision for clothing the President with the whole land and naval power of the Union, is borrowed from a law passed in the "democratic administration of Mr. Jefferson." But does my colleague see no difference between measures for national defence against foreign Powers, and those for internal government? The law to which he alludes was passed for the purpose of enforcing the embargo, which, if not itself a war measure, was of a defensive character, and intended to operate upon England and France, both of which had committed serious depredations on our commerce. And is it not matter for history, that the discontents of the Eastern people at these restrictive measures were such, that Mr. Jefferson himself yielded to their repeal? And yet this is the precedent which we are to adopt in confiding to the President powers to be exerted in a controversy between the Federal Government and one of the States of the Union. Sir, I repeat that this is the very circumstance which gives me the deepest concern. By this act you establish some most alarming principles, and it is to be a standing precedent upon your statute book. Some gentlemen are the more willing to confer these powers, on account of their confidence in the individual who is to exercise them. Now, I am quite sure that I have as much confidence in General Jackson as I shall have in any one who may succeed him; nor do I apprehend any danger to the country from the exercise of these extraordinary powers by him; I do not believe there will be any necessity for his executing them at all; but they are powers which I would vest in no man living. There is not a worse rule in legislation than that of framing laws with an eye to the individual by whom they are to be executed. It were always better to frame them under the idea that they were to be administered by officers who would abuse their powers if they could. Leave as little to official discretion as possible. Who does not perceive the danger to which the country and its liberties might be exposed under the administration of some daring and ambitious tyrant, clothed with the authority conferred by this bill? And should such a one unfortunately reach the Executive chair, and desire this authority, he will only have to recur to "the democratic administration of Mr. Jefferson," and "the democratic administration" of General Jackson, and there are precedents for as much power as he can wish.

Mr. Speaker, my earliest affections were to the union of these States, and my latest aspirations shall be for its continuance, and for the preservation of our present form of Government, to be administered in the spirit and on the principles which gave birth to both. It is, therefore, that I look with watchful jealousy on any measure calculated to change its character. Such is the feeling with which I regard the bill you are about to pass. Its tendency is to a military despotism; and improbable as it may seem to many, this may be its ultimate termination. Should this be the melancholy result, I call this House to witness that, at the first step on this downward march, I have not failed to raise a warning voice against it.

Mr. DANIEL, of Kentucky, next addressed the House. He said that he felt it incumbent on him, although the session was so far advanced, and so much public and private business remained yet to be transacted, to express to the House his opinion of this bill. It involved the very principles of liberty and of the federal constitution; and, if passed, it would, in his judgment, destroy both. It makes war and carnage the only means of their support, and shows our Government as a Government to be sustained only by the sword. Disguise it as you may by terms, it is a war measure. It has a tendency to the most unnatural of all wars—a civil war; and it partakes, in no degree, of the spirit of our institutions, and of the age of civilization in which we live. It will be a war not to be prosecuted against a foreign foe; not to be prosecuted against the enemies of our country, but against one of the confederated members of this community. It would be the war of a proud and haughty son, who has grown strong and powerful by the nurture and protection of his parents, against those parents; and, if entered into, it must necessarily be conducted with savage barbarity. This was the position in which the Federal Government would be placed, should this act become a part of the law of the land. Contemplate, said Mr. D., the picture of its probable results. Our rivers may be made to flow with the blood of our countrymen; our fields may be ravaged, and our homes desolated; innumerable widows and orphans may have to weep the loss of husbands and of fathers, and the patriot to deplore the change of this happy nation, now the chosen abode of peace and liberty, into a military despotism, when the will of one man shall subvert all liberty and control all law. This bill, he conscientiously thought, would be a disgrace to the statute book; its equal was not to be found in the enactments of our nation. Its necessary effect would be to break down the judiciary, and concentrate and consolidate all power, as well civil as military, in the hands of the Executive.

Mr. D. observed, in continuation, that, to show these apprehended consequences did not rest on mere assertion, he would proceed to an examination of the principles of this bill more in detail. He would read the first section of it, which is as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way, in any collection district, it shall and may be lawful for the President to direct that the custom-house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel; and, in that case, it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district, until the duties imposed on said cargoes

by law, be paid in cash, deducting interest according to existing laws; and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States, as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof."

What, Mr. D. asked, was to be the comment on this extraordinary bill? The first section authorizes the President to seize, without any previous determination by a court of law, the property of citizens or strangers, and to withhold it at his pleasure from the possession of its legal owners. It does more. It authorizes him to call upon citizens to bear arms in support of such seizure, and to place them under the orders of whomsoever he may place in command over them. Even more; it enables him to call out the whole armed force of the community, and to keep the militia of the United States in the field, at his option, for eighteen months; thus, in fact, converting the whole country into one general camp. It could scarcely be supposed possible that this dictatorial provision extended further than he had stated; but they do go further still. The power is given to the President of transferring this authority to any person he pleases, and to warrant any single individual to call out the troops, and order them to use the bayonet. This is the exercise of a high sovereign power, and ought to be confided to the hands of no individual. It properly belongs to the people and their representatives; and when authorized to be exercised by a single individual, it endangers, and is, in fact, a subversion of, the principles of our Government. It is a power utterly unknown in all countries possessing even the semblance of liberty. The Autocrat of all the Russias possesses no greater power. And even in Prussia, which is purely a military monarchy, without any pretensions to government by a representative body, the King could not, with safety, exercise the authority of delegating such a power to an individual. It is a dangerous power, not only to a Government and a constitution, but also to its possessor; for the very sword which he who possesses this power places in the hands of others, may be wielded against himself. Ours is not a Government of force, but a Government of laws, founded and depending for its existence upon the virtue and intelligence of the people, to be sustained by reason, moderation, and the principles of compromise on all discordant points. It is not for freemen to be governed by coercion; and herein consists the distinction between freemen and slaves. Whenever it may be thought necessary to govern the members of this confederacy by force, the Government, as intended for the United States by the framers of the constitution, is at an end; for the very act of the employment of force destroys and annihilates the Government, and must inevitably produce disunion.

Prudent men do not act from the impulse of the moment--they reflect; or, whether prudent or imprudent, they ought to reflect on the probable consequences of their actions. How much more requisite is this prudent reflection on the part of statesmen and legislators, in whose hands the mighty interests of a great community are reposed. Mr. D. besought them to look to the consequences; even supposing this bill would answer the effect of putting down those who contend that the laws in respect to the tariff are unconstitutional. Suppose, said he, that you conquer South Carolina, and she becomes a subjugated province, governed by a proconsul, she is vanquished, you say, and she must submit; but the submission of the vanquished to the victor is reluctant, and in all ages has been of no long duration. You employ a standing army to restrain her unwillingness to bear the yoke, and to exact compulsory obedience to your laws. This, you will admit, will be necessary in the first instance, or you would never consent to pass a bill providing for the employment of an armed force, and for the removal of the customhouses from their usual sites, and the location of them under the guns of your ships of war and your forts. But, he would ask if this alleged necessity would not, of itself, form a dangerous pretext, under the arguments of the supporters of the bill, for the continuance of an armed establishment. Standing armies have heretofore invariably been the ruin of every country possessing a particle of freedom. Too much enlightenment pervades the present generation, to permit a similar effect with us; but it would be well to bear in mind, that one of the main causes of the overthrow of the administration in this country, at the close of the last century, was the predilection of the elder President Adams for a strengthening of the energies of this Government by an increase of the army and navy. The lessons of those days are before our eyes now; and let those whom it may concern profit by them. A standing army, and the power to call a standing army into existence, are one and the same. Mr. D. said he could go more at length into this point of the subject, and he perhaps ought to do so. Not that he supposed that the language which he was using, and the reasons which he urged, would produce instantaneous conviction to their judgments. Indeed, the present measure he considered to be a matter not only of reason and judgment, but of feeling also; and he was sure that a statement of the plain facts, as connected with this bill, would form the best appeal to the sound sense of their constituents. The people of the respective States, those whom they represented there, would judge for themselves, and their judgment would be pronounced. Nevertheless, so solemn is the occasion, said he, that I cannot, even at this late period of the session, forbear from trespassing a little further on your time. I owe a duty to my country and to myself, which requires from me a full expression of my views, and, as far as I am able to give it, a development, a full development of the character of this bill.

There were so many objectionable points in it, that he might possibly omit the notice of some. But there is one which is of too much importance, which is pregnant with such grave results, that no man in the United States ought to be ignorant of it. The bill gives to the President the power not only of the sword, but of the purse. He repeated what he could wish might ring in the ears of all his fellow-citizens throughout the wide expanse of these United States, that the bill gives the power of the sword and the purse to the President of the United States. He was about to observe that the purse and the sword sway the destinies of nations; but he would stop himself; the destinies of nations are in the hands of a gracious and an overruling Providence. Yet he might say, with propriety, that few nations have been found with virtue and fortitude enough to resist the controlling, enervating, and corrupting influence of money and power. May this land be a single and a signal exception to the rule which the experience of all history has almost made a general one!

What was said by one of the most exalted men of antiquity, exalted not merely on account of great public services, and a long life devoted to his country, but on account of civil as well as military affairs? He said that, give him soldiers, he would get money, and give him money, he would procure soldiers. Cæsar, with the legions of Gauls, destroyed the small portion of liberty which had been left to Rome.

There is another point of view in which, as lovers of

their country, and as the persons to whom, in so large a degree, its interests are entrusted, the members of this House ought to regard the question before them. A doubt might be raised in relation to a matter of no small importance as regards not only our immediate interests as a commercial people, but the attitude in which circumstances may place the United States in regard to our foreign relations. We hold a conspicuous and a dignified rank among the nations of the civilized world, and it is a subject of deep consideration whether some of the Powers with whom we have entered into commercial treaties, stipulating for reciprocal advantage, may not deem a prohibition of intercourse with even a single port of our country, an infraction of existing treaties. Suppose, for instance, the port of Charleston should be invested by a blockading squadron; and Mr. D. supposed the army and navy were not to be put in requisition by the bill, unless there was an intention to employ them; suppose, he said, that the harbor is hermetically sealed against the approach of domestic or foreign vessels, and that a foreign vessel shall arrive and be seized and detained by one of those floating custom-houses; the cargo, perhaps, wholly or in part, of perishable commodities; whether or not, would there not, even for the detention and delay, be an ostensible cause of a claim for compensation? And were they not aware that foreign Powers would gladly seize any occasion, and use any plausible pretexts, for fomenting our own unhappy dissensions? Would any gentleman in that House rise and say that he did not believe that the dismemberment of this Union would afford pleasure to every crowned head in Europe? No one could do so. All were aware that the monarchies of the old world had always looked with an eye of jealousy upon the rising prosperity of the United States; and now that that prosperity had ripened into greatness and glory, there was not one of them who would not, by intrigue, by money, or, if requisite, by force, become an auxiliary in any design to extinguish that beacon of liberty which had been justly described as the fire at which is kindled the hopes of the world. The existence of the United States as a free republic is a living reproach to despots and despotism; and our destruction, and, above all, our self-destruction, would fill up the cup of their joy. Ought not the members of that House, then, to pause and to take a moment's thought on the mere possibility of adding to the horrors of intestine commotion that of foreign war?—war in our very bosom, and war abroad?

He begged in this to be understood as by no means admitting the right of foreign nations to interfere with our own internal affairs; and neither could he bring himself to suppose that such interference must necessarily accrue, but he was contemplating its mere possibility. The idea of coercing a sovereign State into obedience never entered the heads of those sages and patriots who framed the constitution, and the proposition can only be maintained on the most absurd notions of the theory of our Government. It was proposed in the convention, in various shapes, to give to the General Government the direct power to use force in order to compel the acquiescence of the States in the enactments of the Government. The proposition was ejected. Some of the most prominent among the great and distinguished men who sat in that convention, and even those who were in favor of a much stronger Government than the people felt disposed to have, to instance one of them, General Hamilton himself, expressly disclaimed such an idea.

In his speech in the New York convention, when adverting to the requisitions made on the States by the old Congress, under the articles of confederation, General Hamilton said:

"If you make requisitions, and they are not complied with, what is to be done? As it has been well observed, to coerce the States has been one of the maddest projects ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts or any large State should refuse, and Congress should attempt to compel them, would they not have influence to procure assistance, especially from those States who are in the same situation with themselves? What picture does this idea present to our view? A complying State at war with a non-complying State. Congress marching the troops of one State into the bosom of another. This State collecting auxiliaries, and forming, perhaps, a majority against its federal head. Here is a nation at war with itself. Can any reasonable man be well disposed towards a Government which makes war and carnage the only means of supporting itself—a Government which can only exist by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a Government."

Mr. D. said it would be perceived, from this extract, that the evil intended to be remedied by this alteration of the articles of the old confederation, was the necessity which would exist under them of operating upon the States as communities, and of effecting a change in this respect, by providing that the people should be operated on individually, and not the sovereign States. Under the frame of Government as it then existed by the articles of confederation, no instance could be cited of a resort to force. The sagacious prudence of our fathers who achieved our independence, led them to foresee that such a course would lead to collision, and, thereby, to a disturbance of the peace and harmony of the country; and, finally, to an overthrow of that liberty for which they had struggled, and suffered, and bled. It was therefore that the idea of force was always discountenanced, although many occasions had been presented for its exercise. This was equally wise and just. Had they resorted to force, how easy would it have been for the mother country to have interfered, and to have again deluged the colonies with blood.

There must always be a great degree of danger in a conflict on the part of the Federal Government with the separate action of a State Government, as such; because the latter, as such, possesses the power, the means, and the right of employing a physical force in support of what her citizens deem to be the proper exercise of the rights which have been reserved to the States. No individual citizen of a State possesses either the right or the power to do this, and hence an individual can be acted upon through the civil tribunals in a peaceable manner, and without disturbance to the community. It cannot be denied that the proximate and immediate cause of the adoption of the constitution by the States in convention, and its subsequent ratification by the States respectively, was the apprehension, entertained on this very ground, of collisions which might shake the stability of the Union, and endanger its permanence. The constitution was adopted for this purpose, and was more an invigoration of the articles of confederation, than of extension of political power to the Federal Government.

Mr. D. said he would now turn to another branch of this subject, which was eminently entitled to their attention. It had been advanced by the friends of this bill, that it conferred on the President the same powers as the acts of the 28th February, 1795, and of March 3, 1807, which authorized him to call out the militia in cases of invasion or insurrection. The provision in the act of 1795 runs in these words: "Whenever the laws of the United States are opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, then, &c.," the President is empowered to call for the militia. By the act of March 3, 1807, the President is

authorized to call forth the army and navy, in addition to the militia, but in that law, as in the other, it was provided that "all the prerequisites of the law in that respect" must have been previously observed. This act was merely supplementary to the former one. The courts had first to act, and, if unable to enforce the authority invested in them by the laws, then the militia and the army and navy were to be called in; but still, in all their actions, they were to be subordinate to the civil authorities. These two acts of Congress were still in full force and effect; and yet the House has been told by the gentleman from Georgia, [Mr. WAYNE,] that the present bill is founded upon them, and that they form the precedents for its adoption by Congress. Why, surely, said Mr. D., if the laws alluded to are the precedents spoken of, and he had heard of none other, where was the necessity of passing the present bill? It was a work of supererogation. But he must ask the gentleman what sort of a precedent is that which extends a term of three months to eighteen? The former bill expressly limits the term of service of the militia, who may be draughted, to three months, and the present one authorizes the President to embody the militia, as a standing army, for eighteen months. Besides, let it be understood that the acts of 1795 and 1807 apply only to cases of insurrection in a State, and not to the action of a State itself, (which can best judge of its own rights,) and this said insurrection alone warrants, or can warrant, the armed interposition of the Federal Government. In the whole legislation of this country, there is no instance of Congress having dared to interfere for the purpose of putting down a State, when the State was opposed to the measures of the General Government. It was not even attempted in the cases of Pennsylvania, Massachusetts, Georgia, Maryland, Ohio, and Kentucky. It was reserved for the present administration to urge forward the legislation of Congress against a State of the Union.

Mr. D. said it might not be amiss here to advert to the conduct of the Federal Government on these occasions, and to contrast it with the proceedings of the present Executive. Was the conduct of former Executives in such cases violent, rash, denunciatory? or was it mild, conciliating, and placable? First. In the case of Pennsylvania, the Executive of that State was directed by an act of its Legislature to call out the militia to prevent the execution of a mandate of a court of the United States. The then President, instead of asking Congress to clothe him with additional powers; instead of asking for the sword and the purse; instead of issuing to the citizens of that State a harsh, menacing, and insulting proclamation, opened a friendly and amicable correspondence with the Executive of the State, and, by the influence of mildness and reason, adjusted the point at issue in a satisfactory manner. Thus ended a dispute which, by precipitance and rashness, might have kindled the flames of civil war. With respect to Massachusetts during the late war, when every exertion was necessary, on the part of every patriot, to sustain the independence of the country, Massachusetts refused to supply the quota of militia for the public defence. This aroused a feeling of independence in every heart. What was the course pursued in relation to her? No military parade was made on the occasion, and no threats were used. To speak next of Georgia, and the well remembered contest between that State and the General Government, but a few short years ago, during the late administration, when the laws and treaties of the United States were violated by that State. The then Executive of the United States, Mr. John Q. Adams, who was invested, by the act of March 30, 1802, with the military power to remove all intruders upon Indian lands, abstained from the exercise of that power, because those who had gone upon the lands in violation of the act, had done so under the authority of the State. And in submitting to Congress his views on the subject, he threw out a threat that if Georgia persisted in her course, he might be called upon, by the high obligations of office, to enforce the law. The republican party of that day condemned the intimation in strong language; and the following remarks, in reference to it, were used by a distinguished member of Congress from Virginia, [Mr. RIVES.]

"In the true spirit of arrogated power, we there see him, [Mr. ADAMS,] in a time of profound peace, and when there was every reason to expect a speedy extinction of all grounds of controversy, heedlessly threatening a sovereign State of the Union with the military force of the nation, of which he is, theoretically at least, the commander in chief."

Such were the principles then condemned by those who were friendly to the election of General Jackson, and such are the doctrines that have always been odious to the republican party. Whether the approval of these principles by General Jackson will render popular that which was heretofore odious, remains yet to be seen. They are the principles once reprobated by himself, and in opposition to which he was first elected President. He refused to execute that law in contravention of the authority of the State of Georgia; and when requested, in February, 1831, by the Senate of the United States, for information as to whether the provisions of the act to regulate the intercourse with the Indian tribes, and to preserve peace on the frontiers, had been fully complied with, and that, if not, the reasons should be assigned for declining to enforce them, he replied:

"The Indians, thus situated, cannot be regarded in any other light than as members of a foreign Government, or of that of a State within whose chartered limits they reside. If in the former, the ordinary legislation in relation to them is not warranted by the constitution, which was established for the benefit of our own, not of a foreign people. If in the latter, then, like other citizens or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine, and to require the Executive to maintain it by the employment of military force, would be to place in his hands a power to make war upon the rights of the States and the liberties of the country--a power which should be placed in the hands of no individual."

This position was contended for by General Jackson from 1801 up to the year 1831. He was the advocate of those doctrines, and the principles in which they originated; he was the supporter of the reserved rights of the States until the publication of an angry and a celebrated correspondence between him and a distinguished gentleman, whose elevated character it was the desire of himself and others to prostrate. In proof of this assertion as to the character of General Jackson's former opinions, Mr. D. said he would refer to a letter addressed by him (General Jackson) to Dr. William Dickson, of the date of 1st September, 1801.

"Dear Sir: Through life I have held it as a sacred duty I owed to my country and myself, never to give my suffrage to a candidate for a seat in the Congress of the United States, unless I was convinced that his political sentiments were congenial with those he represented, and that he would speak and do the will of his constituents; and being now informed that you are a candidate for the honor of representing the citizens of the State of Tennessee in the representative branch of the Federal Legislature--believing, as I do, that any citizen who does obtain the suffrages of the freemen of Tennessee, must be a character, the composition of which is virtue, talents, and the true whig principles of seventy-six; in short, sir, that he must be a republican, and in politics, like Cæsar's wife, not only chaste but unsuspected.

"The two first component parts of this character I

know you to possess; the latter, as to myself, I have ever thought you did. But, sir, the public mind has been lately led to believe that your political sentiments are doubtful, and some have held you up as an aristocrat. These reasons have operated with me to call upon you to answer the following interrogatories:

"First, are you, and have you always been, an admirer of the true whig principles of '76?

"Have you always been an admirer of State authorities?

"Are you now, and have you always been, an admirer of the constitution of the United States, friendly to its administration, agreeably to the true literal meaning of the instrument, and banishing the dangerous doctrine of implication?

"Have you always been, and are you now, opposed to standing armies in time of peace?

"Are you now, and have you always been, inimical to a standing naval armament?

"Are you now, and have you always been, opposed to foreign political connexions?

"Are you now, and have you always been, opposed to the extension of the Executive patronage?

"Have you always been, and are you now, an advocate for freedom of religion, and the freedom of the press?

"Are you now, and have you always been, friendly to economy in the public disbursements, and an enemy to the system of loans?

"And, lastly, are you a real republican in principle, and will you be a republican in practice?"

That letter, it would be seen, showed that he was then avowedly opposed to standing armies in time of peace; that he was in favor of State authorities and State rights; that he was adverse to the extension of Executive patronage; that he was friendly to economy in the disbursement of the public money; that he was an advocate for the freedom of religion and the freedom of the press; that he held the republican doctrine that the representative was bound by the will of his constituents; and that he had always acted with the republican party. These principles recommended him to the favor of the American people; by the avowal of them he obtained their confidence and support.

In connexion with the agitated question in which Georgia was a party, Mr. D. observed that it was well known in the House that the President was in favor of the repeal of the 25th section of the judiciary act, which authorized the right of appeal from the superior courts of the States to the Supreme Court of the United States; and this, said Mr. D., addressing the Chair, you yourself well know. [Mr. Polk, of Tennessee, then occupied the chair, in the temporary absence of Mr. Speaker Stevenson.] All the members from the State of Tennessee, he [Mr. D.] believed, with one or two exceptions, voted for the repeal of this section. But there were many more corroborative proofs of the President's opinions on this subject. A distinguished Senator from the very State of which the Chief Magistrate is a citizen, expressed the following opinion in his place in the Senate in the session of 1830, in the course of the great debate on the resolution introduced by Mr. Foot, of Connecticut:

"What, then, is to be done, if Congress pass an act beyond the limits of its constitutional powers, and it is found to operate oppressively, say upon Virginia? I name this old leading champion State for the purpose of illustrating my argument more clearly. Shall Virginia submit? No; she is oppressed—unconstitutionally oppressed. The General Government has declared, in all its departments, that the act is binding. The Legislature of Virginia is of a different opinion. Has she no right to say to the General Government we did not give up this power which you have exercised? May she not say it is an authority you have usurped? Such language has been held; it was done by Virginia and Kentucky by their resolutions in 1798 and 1799, and it produced the desired effect. Those who had exercised unconstitutional powers were put down, and the administration of Mr. Jefferson succeeded. This was an appeal to the intelligence and patriotism of the nation to correct the evil through the medium of the elective franchise. It prevailed, and always will prevail, unless an interest exists in the majority at variance with the rights and interest of the minority. When that is the case, it may happen that a sense of justice will be too weak to produce a repeal of the unconstitutional measure. What then? Shall Virginia throw herself out of the Union? No. One set of agents employed to act in the Federal Government have asserted their authority and jurisdiction over certain subjects, and they insist on their right to do so. Another, acting in the States, insist that the agents of the General Government have transcended their authority, engrafted on the constitution provisions not originally contained in it, and are exercising the reserved powers of the State. It becomes a mere dispute among agents; the employers, the masters, the real sovereigns, have not decided it. In this state of things, shall Virginia submit to be despoiled of her sovereignty? Sir, she will not by tame submission surrender her high political character and pre-eminence; rather than do this, her Madisons and Monroes would forget their years, and mingle again in the political strife; her Gileses would lay aside the crutches of decrepitude; and the gentleman from Maine [Mr. Holmes] would again hear the keen cutting voice of the Roanoke orator, dividing and separating even unto the joints and marrow.

"If I am to understand any Senator as saying that a State Legislature can nullify and make void an act of Congress, so far as to prevent its operation within its limits, I dissent from him. The federal constitution was not received or adopted by the Legislatures of the States: the members are not elected for such high purposes. The ambition of a few aspiring men might mislead the Legislature when called on to act suddenly and unexpectedly. Let the injured and oppressed State, then, assume its highest political attitude—a convention in the State for the purpose of deciding whether this great fundamental law, which unites and binds the States together, has been violated, by Congress having exercised powers reserved to the States, and not delegated to the General Government. If a false clamor has been raised, this measure will put it down. In every State there is a division among politicians, and the minority are only waiting for an opportunity to put the majority in the wrong. The people being called on to act in this solemn manner, will put the whole intelligence of the community into action. The aged, the wise, the experienced, well tried friends of the country, will be called into the public service. Such men will not lightly pronounce an act of Congress unconstitutional and void; but should they, upon full consideration, so declare, how will the question then stand? If the State possesses the power to act as I have shown, the necessary consequence is, that the act of Congress must cease to operate in the State, and Congress must acquiesce by abandoning the power, or obtain an express grant from the great source from which all its powers are drawn. The General Government have no right to use force. It would be a glaring absurdity to suppose that the State had the right to judge of the constitutionality of an act of the General Government, and at the same time to say that Congress had the right to enforce a submission to the act. This would involve a palpable contradiction. This may be illustrated by reference to the power of the Supreme Court in analogous cases. All admit that this high tribunal has the right, in a case properly before it, and within its jurisdiction, to declare an act of Congress unconstitutional, the effect of which is to render the act inoperative, not only in one State, but in all. In this case

Congress is obliged to acquiesce, and abandon the power, or obtain an express grant from the original source, after the manner already stated. No force can be applied to give effect to the act thus declared void by the Supreme Court, or to compel it to change its decision." Vide the speech of the Hon. Felix Grundy, in the Senate of the United States, February, 1830, pages 7 and 8.

Mr. D. went on to comment upon the principles embraced in this passage of Mr. GRUNDY's speech, and observed that, considering the friendly, intimate, and confidential relations subsisting between that gentleman and the President, it was not unfair to presume that they were in accordance with the opinions entertained by the latter, as manifested in his letter to Dr. Dickson, and in his reply to the Senate in answer to the resolution calling for information why the law of 1802 had not been executed, and confirmed, also, by the sentiments expressed by him in relation to the speech of a distinguished orator, statesman, and patriot from the South, who does not now participate in the councils of the Federal Legislature.

The House would understand to whom and to what he adverted in saying this. It was scarcely necessary for him to name Mr. HAYNE, of South Carolina. The speech of that distinguished gentleman on the debate upon Mr. FOOT's resolution, contained precisely the same doctrines on the subject of State rights and nullification as those comprehended in the speech of the Senator from Tennessee, [Mr. GRUNDY.] No difference existed between them, and he did not see how any distinction could be drawn. The doctrines advocated by Mr. HAYNE, as well as the mode in which they were advocated, had, at that time, met with the approbation of the President, as expressed in direct terms in a letter from him to Mr. HAYNE. The terms employed were as strong as language can afford. They were to the effect that the speech contained an exposition of the true principles of republicanism, and that it should be bound up and placed in his library along with the works of Thomas Jefferson.

Mr. BELL, of Tennessee, here rose in his place, and inquired of Mr. DANIEL whether he had a personal knowledge of the President's approval of those principles, and of his commendation of Mr. HAYNE's speech.

Before Mr. DANIEL could reply,

Mr. CARSON, of North Carolina, rose with much earnestness, and said, I, from my personal knowledge, can declare that such is the fact. The President expressed his approbation of that speech to me, in person.

Mr. BELL and Mr. CARSON having resumed their seats,

Mr. DANIEL proceeded, and said, what he knew of the President's opinions on this subject was from documents emanating from the President's own pen; from the various statements of gentlemen whose veracity could not be impeached, independent of a host of corroborating circumstances.

Mr. D. said that these nullifying doctrines of South Carolina had thus received the sanction and advocacy, not only of the former Senator from South Carolina, [Mr. HAYNE,] but of the Senator from Tennessee, [Mr. GRUNDY.] They were approved by the President himself, until, in the downward path of his administration, he had thought it fit to abandon every principle which had brought him into power: economy, retrenchment, State rights—all that had formed the watchword of the party; all had vanished into thin air. Their substance, at least, was gone, and all that remained of them was a shadow. The very terms had become a by-word, a mockery; and, with the federalists, a reproach. As for the expenditures of the Government, they have been multiplied in a degree far exceeding those of any former administration. Instead of the patronage of the Government having been diminished, there has been a rapid increase of appointments, at Executive discretion, to a most alarming extent. So much may be said for the fulfilment of the professions so loudly and so often made, of reform and retrenchment. In relation to the similar professions of a regard for State rights, what was to be looked for? It was attempted to reduce the States of this Union to the condition of mere petty corporations, dependent upon, and holding their charter (if he might so express himself) at the will and pleasure of the General Government. The proclamation of the President has placed the States precisely on this footing; the doctrines promulgated through the medium of that unauthorized paper, would, if carried into practice, deprive the States of every reserved right, by making the Executive the sole judge and arbiter of the nature and extent of those rights. It makes this Government a consolidated Government—the focus of all power; a vortex swallowing up every principle of liberty and sovereignty which it was the intention that the people, in their character as members of separate communities, should retain. Their liberty and sovereignty were inherent rights. It denies the right of a State to instruct the Senators by whom it is represented, and the immediate constituents of a member of this House to instruct him as to the course which it is their wish should be pursued on public questions. In a word, by divesting the members of their immediate responsibility to their constituents, it destroys the representative character of our Government.

This is in perfect keeping with the monstrous doctrine advanced by a late administration, a doctrine which excited such a general and a burning indignation in the breasts of our citizens, that the representative should not be "palsied by the will of his constituents." But the change in the creed of this administration is not more marked, striking, and sudden, than as evinced in the doctrine laid down and advocated by the gentleman from Georgia, [Mr. WAYNE.] He said that the principle of nullification was a mere metaphysical abstraction; but he [Mr. D.] did not conceive it to be one whit more so than the novel and ultra federal doctrine broached by that gentleman—that the Government was formed by the people in their aggregate character, and without any reference to their political being as members of separate and independent communities. The chain of reasoning, by which that conclusion had been arrived at by him, [Mr. W.] appeared to be blown away by the very breath with which his words were uttered. How could he, who had supported the course of Georgia, with respect to her nullifying legislation, in utter disregard of the laws and treaties of the United States, how could he contend that this is a Government formed by the people in their aggregate character? Did he not perceive that this very position condemned his own State, and proved his own inconsistency? For, if the Government was formed by the people as one whole, what authority had the State, even in its high sovereign capacity, to disregard treaties and an act of Congress? Was the gentleman not aware that the principles of this bill would enable the Cherokee Indians to recover and resume the possession of the land which Georgia had taken from them, and parcelled out among her citizens, by her acts of legislation, directly in the teeth of the decision of the Supreme Court of the United States, and of treaties made securing to the Indians, under the pledge of the public faith, the peaceable occupancy of those lands? Was he prepared thus to overwhelm Georgia in the dismal swamps of litigation, and to disturb and perhaps ruin those of his constituents who were reposing in the quiet enjoyment of the lands to which they believe they have a just right under the legislation of their own State? Mr. D. emphatically declared that, by the argument of the gentleman himself, the bill would, in its principles, go to that effect; and the President would be empowered and called upon, by those principles, to enforce them on any occasion which should require such enforcement. The gentleman from Georgia

had disapproved, in unmeasured terms, of the doctrines of South Carolina, because that State had, in her high sovereign character, declared the tariff laws of 1828 and 1832 to be unconstitutional, and had solemnly absolved her citizens from all obedience to them. In this opinion of their unconstitutionality, the gentleman from Georgia [Mr. Wayne] had, it is well known, fully concurred. That gentleman had sworn, as all the members of the House had sworn, to support the constitution of the United States; and it must be left to him to reconcile to his own conscience the propriety of voting for a bill to enforce a law which he believes to be unconstitutional; to be repugnant to the provisions of the instrument which they were all bound by their oaths to support.

Mr. D. continued by observing that the arguments of the gentleman from South Carolina, [Mr. Blair,] who had, on the preceding day, addressed the House in favor of the bill, were alike dangerous in their tendency, and extraordinary in their nature. Although he had disavowed claiming protection from the General Government for the Union party of his State, he had urged the passage of the bill for that express purpose. The substance of his argument was, that protection was necessary for the Union party, and that this bill would afford it.

Mr. BLAIR, of South Carolina, rose, and said that he disclaimed the idea of calling on the General Government for protection in relation to the personal safety of the members of the Union party in his State. As it concerned himself, personally, he did not seek it; but he had thought, and he still thought, that something was due on the part of the Government to the character and the feelings of those who compose the Union party. That was what he had meant to convey to the House.

Mr. DANIEL said that he had not misunderstood the gentleman from South Carolina yesterday, and neither did he misunderstand him now. He understood him to ask for a guaranty for the Union party. He [Mr. Blair] had said that the members of that party had been treated as Helots by the dominant party of South Carolina; that the measures of the State rights party were tyrannical and despotic; and that, therefore, the Union party had a right to call upon the Executive and upon Congress to guaranty to them a republican form of Government.

Here Mr. BLAIR again rose, and repeated the substance of his former explanation.

Mr. DANIEL continued. It had not been his intention to misrepresent the gentleman from South Carolina. For many of the members of the Union party he entertained a very high respect; but the guaranty claimed by the minority in the State of South Carolina, if carried out into practice, might, with equal propriety, be claimed on the part of the slaves held in the Southern and Western States. This remark was, of course, intended only as an illustration of his argument, and would not be considered as involving any disparagement of a minority of any State of this Union. On the contrary, he was in favor of every proper attention being paid to the wishes and feelings of a minority. It was, indeed, the very doctrine which he was now maintaining: he was contending that the rights of a minority ought to be respected and protected; but that protection could only be extended according to the forms of the constitutions of the States in which those composing such minority live.

The gentleman from South Carolina had also urged, as a reason for the guaranty requested, that the convention of that State, in their ordinance, which was made a part of their constitution, had prescribed an oath to be taken by its citizens to support that constitution; and had provided, in the event of refusal or unwillingness to take the oath, that the party refusing was incompetent to hold office under it. An oath of a similar character, said Mr. D., is administered in every State of this Union. In many of the States, even by statute, an oath is required from every person appointed to office, to the effect that he has not, and will not, knowingly, be concerned in a duel, either as a principal or a second: his refusal to take such an oath disqualifies him for office. There are other oaths which are necessary prerequisites to offices of trust, honor, or emolument; and it appeared to him, that all the States had not only the constitutional power, but the incontrovertible right to impose them. How, then, could the minority, in such a case as that presented, style themselves Helots, and complain of a deprivation of their rights, on the part of the majority? The possession and the enjoyment of equal rights must necessarily be accompanied by equal obligations and equal duties.

Mr. D. begged to call to the recollection of that gentleman [Mr. Blair, of South Carolina] his former violent denunciations of the tariff as being unconstitutional and oppressive; and his declarations on the floor of that hall, that the people of South Carolina never would submit to its unjust exactions. It would be well also to bear in mind, that the party to which that gentleman [Mr. Blair] belonged—the Union party—had been the persons who had first produced the excited feelings in the State of South Carolina against the tariff system; and those of the other party, who are now in opposition to it, had only followed in their wake. And yet, said Mr. D., those who make it their boast that they gave birth to this intense excitement, are held in favor in the high places of the court, while those whom they describe as their humble imitators are denounced and reviled as demagogues, desperadoes, and traitors.

In many of the leading papers of the South, the late Vice President of the United States has been accused of lending his friendly aid to build up the present system, in consequence of the vote which he gave in favor of the tariff bill of 1816; which bill reduced the duties from the high war rates down to a standard of revenue then indispensably necessary to meet the engagements of the Government. Many of the distinguished statesmen of the South who were, on constitutional grounds, decidedly opposed to a tariff of protection, voted for that bill, as requisite for the emergencies of the public service. On account of this vote, a grave charge of inconsistency has been raised against that eminent individual by many of the Union party of his own State, and by many of those designing and unprincipled intriguers who are always to be found among the minions of power.

Mr. D. said that he had adverted to this allegation in order to show who it really was that had produced this fermentation in the South, and who were then endeavoring—vainly endeavoring, he trusted—to skulk from a responsibility which had been imposed upon them by their own acts. Here he would ask the candid mind to say what were the facts connected with the bill of 1816. What but the spirit of patriotism could have actuated those who supported it, as the means, not only of meeting the public exigencies, and upholding the public faith, but also of saving many meritorious citizens from ruin? Manufactories had sprung up during the war; the capital of many a deserving man was invested in manufacturing undertakings; employment was given to industry, and the welfare and the happiness of numerous families depended on the mode of adjusting a system which had arisen out of events calling into action the spirit of patriotism and the love of country. The advocates of that bill were uniform and consistent in their course of conduct, and the motives by which they were swayed flowed from the purest of all sources. They had supported the war on the only ground upon which any war can possibly be supported—that of the sacred right of self-defence; and they gave the strongest pledge of the sincerity of their opinions when they voted for that bill, in order to maintain the institutions which had emanated from the necessity of engaging in that war.

Mr. D. said it was a singular incongruity that many of those who admit the right of a State to interfere and arrest the operation of an unconstitutional law, and to judge of the mode and manner of redressing it, should, strange as it may seem, be opposed to the course which South Carolina has chalked out for her action. For, if a State possess at all this power of remedying the evil, by protecting her reserved rights, and abiding by the spirit of the constitution, South Carolina is warranted in her proceedings. It has universally been conceded that, prior to the adoption of the federal constitution, the States were, respectively, sovereign and independent; and in this character sent delegates to a general convention—those delegates representing the people as separate communities, for the purpose of devising a scheme of Government. Such a plan was devised, so jealously guarding the sovereignty and independence of the States, as to leave, as was supposed, nothing to doubt, to implication, or to construction. And, to "make assurance doubly sure," it was submitted for ratification to the people of the States, as distinct and separate communities, in their high sovereign character. It was to bind the citizens of those States, only, who should ratify the instrument. Indeed, it has never been contended that the people of a State refusing to ratify it were bound by any obligation to submit to it. For example, suppose that North Carolina and Rhode Island, which were the last States to ratify it, had refused to do so; would the citizens of those two States be bound by the laws of the United States? They would not. Then they bound themselves by their free and voluntary assent, mutually pledging to each other their faith to maintain the principles therein laid down—the preservation of the powers expressly delegated to the Government; to the formation of which Government they had just given their assent. These powers they confided to the Congress of the United States, to the Executive, and to the judiciary; and in all matters which can be properly brought before these three branches of the Government, they possess the right to decide in the last resort. The powers not expressly delegated, are expressly reserved to the States or the people. These reserved rights are, in the same manner, to be protected by the States, in their distinct and sovereign character. If there be no mode for their assertion and protection independent of the General Government, there can be no reserved rights; for, if the right of judging in the last resort, in respect to them, be given exclusively to the General Government, there would be no reservation. The reservation applies as well to the courts of the United States as to the other branches of the Government.

That the National Government was formed by the States, Mr. D. said, with a retention, on their part, of their independence and sovereignty, he would now proceed to show by the concurrent testimony of Mr. Hamilton and Mr. Madison, men who figured so conspicuously in its formation.

In the 81st number of the Federalist, Mr. Hamilton lays down this position. Mr. D. here quoted General Hamilton's words as follows:

"Though it may rather be a digression from the immediate subject of this paper, I shall take occasion to mention a supposition which has excited some alarm upon very mistaken grounds.

"It has been suggested that an assignment of the public securities of one State to the citizens of another, would enable them to prosecute the State, in the federal courts, for the amount of those securities—a suggestion which the following considerations prove to be without foundation.

"It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the Government of every State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the convention, it will remain with the States, and the danger intimated must be merely ideal.

"The circumstances which are necessary to produce an alienation of State sovereignty, were discussed in considering the article of taxation, and need not be repeated here. A recurrence to the principles then established will satisfy us that there is no color or pretext that the State Governments would, by the adoption of that plan, be divested of the privilege of paying their debts in their own way, free from every constraint but that which flows from the obligation of good faith. The contracts between a nation and individuals are only binding on the conscience of the sovereign, and have no pretensions to compulsive force. They confer no right of action independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? and how could recoveries be enforced? It is evident it could not be done without waging war against a contracting State; and to ascribe to the federal courts, by mere implication, and in destruction of a pre-existing right of the State Governments, a power which must involve such a consequence, would be altogether forced and unwarrantable."

Here Mr. D. said, Mr. Hamilton had placed the independence of the States upon the broad basis of a distinct and independent sovereignty, only to be operated upon by negotiation and by treaties, and not through the federal tribunals. The "pre-existing right," to which he refers, is secured by the articles of confederation in the following manner. The second article of that instrument runs thus:

"Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled."

He would now proceed to show the opinions entertained by Mr. Madison in confirmation of this doctrine, and would cite the language used by him in the 39th number of the Federalist:

"It appears, on one hand, that the constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the especial purpose; but, on the other, that the assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent State to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State, the authority of the people themselves. The act, therefore, establishing the constitution, will not be a national but a federal act.

"That it will be a federal and not a national act, as these terms are understood by the objectors, the act of the people as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration, that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no otherwise from the ordinary assent than its being expressed, not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority in the same manner as the majority in such State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States as evidence of the will of a

majority of the people of the United States. Neither of these rules has been adopted. Each State, in ratifying the constitution, is considered as a sovereign body, independent of all others, and only to be bound by its voluntary act. In this relation, then, the new constitution will, if established, be a federal, and not a national constitution."

Again, Mr. Madison says, in the same number: "But if the Government be national, with regard to the operation of its powers, it changes its aspect again, when we contemplate it in relation to the extent of its powers. The idea of a National Government involves in it not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy, if completed, is vested in the National Legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal Legislatures. In the former case, all local authorities are subordinate to the supreme, and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them within its own sphere. In this relation, then, the proposed Government cannot be deemed a national one, since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

Mr. Madison further says, in No. 40 of the Federalist: "Will it be said that the fundamental principles of the confederation were not within the purview of the convention, and ought not to have been varied? I ask, what are these principles? Do they require that, in the establishment of the constitution, the States should be regarded as distinct and independent sovereigns? They are so regarded by the constitution proposed."

Once more. In the same number, he has these expressive words: "We have seen that, in the new Government, as in the old, the general powers are limited; and that the States, in all enumerated cases, are left in the enjoyment of their sovereign and independent jurisdiction."

These passages, Mr. D. said, showed conclusively that the States were not, by the adoption of the constitution, despoiled of any portion of their sovereignty and independence. In entering into this compact, they divested themselves of none of the attributes of sovereignty. The great error of many of the republicans of the present day consists in the supposition that the States had vested a part of their sovereignty in the General Government; whereas, in fact, certain powers only were delegated to be exercised by their agents, and subject to be reclaimed by the States in their high sovereign character, in the mode and manner prescribed by the constitution. He had said that the General Government had been formed by the States; but he would not rest the truth of this proposition upon his bare and naked assertion. It was so declared in the Virginia resolutions of 1798; and he would apply to it the language of Mr. Madison, in his report upon them. Speaking of the third resolution, Mr. Madison says:

"On this resolution the committee have bestowed all the attention which its importance merits. They have scanned it not only with a strict, but with a severe eye; and they feel confident in pronouncing that, in its just and fair construction, it is unexceptionably true in its several positions, as well as constitutional and conclusive in its inferences.

"The resolution declares, first, that 'it views the powers of the Federal Government as resulting from the compact to which the States are parties;' in other words, that the federal powers are derived from the constitution, and that constitution is a compact to which the States are parties."

Mr. D. said, in continuation, let those who deny the constitutionality of the interposition of a State to prevent the operation of an unconstitutional law within its limits, and who maintain that the federal judiciary is the only arbiter in all disputes between the States and the Federal Government—let those, he said, read the following lucid exposition of this subject from the pen of Mr. Madison, as contained in the report to which he [Mr. D.] had before alluded. In discussing the latter part of the third resolution of the General Assembly of Virginia, Mr. Madison says:

"But the resolution has done more than guard against misconstruction, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies the subject of the interposition which it contemplates, to be solely that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights, and liberties appertaining to the States as parties to the constitution.

"From this view of the resolution, it would seem inconceivable that it could incur any just disapprobation from those who, laying aside all momentary impressions, and recollecting the general source and object of the federal constitution, shall candidly and accurately interpret the meaning of the General Assembly. If the deliberate exercise of dangerous powers, palpably withheld by the constitution, could not justify the parties to it in interposing even so far as to arrest the progress of the evil, and, thereby, to preserve the constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognised under all the State constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared. But it is objected that the judicial authority is to be regarded as the sole expositor of the constitution in the last resort; and it may be asked for what reason the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner. On this objection it might be observed, first, that there may be instances of usurped power which the forms of the constitution would never draw within the control of the judicial department: secondly, that if the decision of the judiciary be raised above the authority of the sovereign parties to the constitution, the decisions of the other departments, not carried by the forms of the constitution before the judiciary, must be equally authoritative and final with the decision of that department. But the proper answer to this objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all the forms of the constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and exercised by the other departments, but that the judicial department, also, may exercise or sanction dangerous powers beyond the grant of the constitution; and, consequently, that the ultimate right of the parties to the constitution to judge whether the compact has been dangerously violated, must extend to violations by one delegated authority as well as by another; by the judiciary as well as by the executive or the legislative. However true, therefore, it may be, that the judicial department is, in all questions submitted to it by the forms of the constitution, to decide in the last resort, this resort must necessarily be deemed the last in relation to the authorities of the other departments of the Government; not in relation to the rights of the parties to the constitu-

tional compact, from which the judicial as well as the other departments hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority delegating it; and the concurrence of this department with the others, in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very constitution which all were instituted to preserve."

Mr. D. regretted the necessity of reading so long a passage to the House, but the reasoning which it contained appeared to him to be so forcible and conclusive, that he could not refrain from calling their earnest attention to it. If, then, this constitution was a compact, the new doctrine that it was a compact of the people in their aggregate character, would require, for its adoption, the assent of every individual of the United States; for no man can be bound by a compact to which he has not given his assent.

The Kentucky resolutions of 1799 maintain the same positions with Virginia, and contend for the same doctrines as the rightful interpretation of the constitution. The Legislature of that State solemnly resolved,

"That the principles and construction contended for by sundry of the State Legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism, since the discretion of those who administer the Government, and not the constitution, would be the measure of their powers; that the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under color of that instrument, is the rightful remedy."

These resolutions were draughted by the sage of Monticello, Thomas Jefferson. The original draught, which is extant, in his own handwriting, contains these words:

"Whenever the General Government assumes undelegated power, its acts are unauthoritative, void, and of no force; that to this compact each State acceded, as a State, and is an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the constitution, the measure of its powers; but that, as in all other compacts among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

Mr. D. said, that this doctrine of nullification originated with Thomas Jefferson, is admitted by one who professes to be the ardent admirer of that great man, but who, at the same time, opposes nullification--Mr. Thomas Ritchie, of Richmond, Virginia. In the Richmond Enquirer, of March 13, 1832, this consistent gentleman says:

"NULLIFICATION--AN ERROR CORRECTED.--We have come before the public to correct an error into which we have betrayed them. Some of the politicians of South Carolina had maintained the opinion that Mr. Jefferson was not only the friend, but the father of the doctrine of nullification; and their principal argument was, that he was the author of the Kentucky resolutions of 1799, as well as those of 1798, and that, in those of 1799, is to be found the memorable passage, that 'The several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infractions; and that a nullification, by these sovereignties, of all unauthorized acts, done under color of that instrument, is the rightful remedy.'

"We had a great curiosity to ascertain the truth of this opinion. We hunted up all the facts that were within our reach; weighed them as impartially as we could; and we arrived at a different conclusion from that of the State right politicians of South Carolina. We expressed our opinion in the Enquirer of the 30th September last. We have now to state our conviction that we were wrong, and the South Carolinians right, as to Mr. Jefferson's opinions. A small manuscript book has been found among his papers, which, with other articles, contains two copies, in his own handwriting, that appear to have been the originals of the Kentucky resolutions."

This doctrine is objected to by many worthy and patriotic citizens, on the ground that, thereby, one State would have the power of thwarting the operation of the remaining twenty-three States of the Union; but he asked them if the same objection would not possess infinitely more force by applying the doctrine to the case of the seven judges of the Supreme Court of the United States being authorized to control and thwart the operations of all the twenty-four States; for such would be the case in the event of rendering that court the final arbiter of the constitutionality of the laws.

Mr. D. said he had thus shown that nullification was not of the growth of South Carolina. It did not owe its birth to the politicians of that State. The very term by which it is designated was selected by Mr. Jefferson himself; Mr. Jefferson was the father of nullification. Virginia was a nullifying State; Kentucky was a nullifying State; Georgia was a nullifying State; Pennsylvania was a nullifying State; and, indeed, every republican State in this Union has, in its turn, recognised and maintained the doctrine of nullification. The federal party have always opposed it. Why was it, then, that South Carolina was denounced for maintaining the same doctrine? Was it because President Jackson had drawn around him a federal cabinet who are seeking to instil their principles into the minds of the American people under the popularity of his name? The same attempt was made formerly by the federal party, and the same use was then made of General Washington's name and popularity. The recent proclamation contains not only ultra-federal doctrines, but the very principles of monarchy itself; and the practice of the administration appears to be in perfect accordance with the principles which it lays down. That instrument goes to place the sole and ultimate right of judging of the constitutionality of the laws, and of the expediency and mode of their enforcement, in the Executive head. The monarchy of no country in Europe can go further. It embodies the principle contained in the expression of Louis the Fourteenth, who, to a remonstrance made against some public act injurious to the State, replied, "I am the State." The President, in his proclamation, directs a sovereign State to retrace its steps; to expunge a part of its constitution; and, as he expresses it, "to snatch from its archives the disorganizing edict;" meaning, thereby, that ordinance which, in a convention of the people, had been declared a portion of the constitution of their State.

Mr. D. said that, to show a similarity of this measure to some of those attempted by the King of England towards the American colonies, and which led to that condition of affairs that precipitated our revolution; to show that this was a power only to be claimed by Kings, and never to be submitted to by a free people, he would read them one or two passages concerning a matter bearing a striking resemblance to this ukase of the President.

On the 11th of February, 1768, the General Assembly of Massachusetts drew up a circular letter in opposition to an act of the British Parliament, imposing duties and taxes on the American colonies. This circular gave great offence to his Majesty the King, and he, forthwith, through one of his cabinet ministers, Lord Hillsborough, wrote to Bernard, the Royal Governor of Massachusetts, stating that the proceedings which gave rise to the circular letter were unfair, contrary to the real sense of the country, and procured by surprise; and instructing him, "so soon as the general court is again assembled, to require of the House of Representatives, in his Majesty's name, to rescind the resolution which gave birth to the circular letter

from Mr. Speaker, [of the Massachusetts House of Representatives,] and to declare their disapprobation of, and dissent to, that rash and hasty proceeding."

It might not be inapplicable to state here, said Mr. D., the opinion of the Massachusetts colonial Legislature on the introduction into Boston of a military force to aid in, or to secure the collection of, the revenue. On Governor Bernard's sending a message, calling for an appropriation on account of the subsistence and quartering of the soldiers, the House of Representatives "*Resolved*, That the establishment of a standing army in this colony, in time of peace, is an invasion of natural rights; that a standing army is not known as a part of the British constitution; that sending an armed force into the colony, under pretence of assisting the civil authority, is highly dangerous to the people, unprecedented, and unconstitutional."

Now what, he would ask, had been the conduct of the President towards South Carolina? He first despatches to that State the regular troops, and then issues a proclamation denouncing those most prominent in the democratic party of the State as knaves, and the other members of that party as fools. He threatens the people with military execution if they should persist in withholding obedience to laws which their own Legislature, and they themselves, in their sovereign character, as assembled in convention, had declared to be unconstitutional. This was unjust, unnatural, and unprecedented in this country.

The message of the President to Congress, at the commencement of the present session, was calculated to allay all irritation, and obviate all difficulties; and it would have had that effect if he could have relied upon it; but, as if fearful that all difficulty should be removed, and peace and harmony restored to the country, the proclamation follows the message in the short space of seven days—before the message could possibly have been read throughout South Carolina.

It has been a source of crimination by many, that that State should have put herself in an attitude of defence against the attacks of the regular army. This was what every man ought to have expected, self-preservation being the first law of nature. On this ground, the very bill now before the House had been attempted to be justified by its advocates. The same ground, Mr. D. said, in continuation of his argument, was assumed by Lord North to justify the Boston port bill. That minister, who had moved the repeal of the obnoxious port duties of 1767, with the exception of the duty on tea, being strongly urged by the members in opposition not to retain the contention when he relinquished the revenue, replied: "Has the repeal of the stamp act taught the Americans obedience? Has our lenity inspired them with moderation? Can it be proper, while they deny our legal power to tax them, to acquiesce in the argument of illegality, and, by the repeal of the whole law, to give up that power? No; the properest time to exert our right of taxation is when the right is refused. To temporize is to yield; and the authority of the mother country, if it is now unsupported, will, in reality, be relinquished forever. A total repeal cannot be thought of till America is prostrate at our feet."

Such were the remarks of Lord North, and of such a character have been the remarks of many of those who advocate the passage of this bill, and object to the adoption of any conciliatory measures until South Carolina shall have been humbled. This tone of regal insolence, assumed by Lord North, was brought down by the spirit of freedom which, at that time, animated the bosoms of freemen, and taught them to disdain the threats of royal vengeance. Freemen are not to be intimidated by the indignant frowns of Executive displeasure, or conquered by mercenary soldiers. The excitement will subside, and the people whose interest is the good of the country, will then decide this all-absorbing question; they will investigate the republican doctrines of '98 and '99, and determine to what extent Virginia and Kentucky were nullifying States, and whether Jefferson, Madison, and even Andrew Jackson himself, were not nullifiers, in the strictest sense of the term. To the people, in whom resides all sovereign power—to the sovereign people of each State, let the question be submitted, and let their decision be abided by by all.

Mr. D. said that he must be indulged in one or two parting remarks. The subject before them was not to be dismissed or disposed of lightly or unadvisedly; it was one of an awful and a solemn nature. The bill might, in its results, and in the consequences which would probably follow an enforcement of its enactments, and an establishment of its principles, as forming the rule of action of the Government of the United States, involve the existence of that Government. The Government which had been formed was intended by its founders to last for ages; and whenever the principles of compromise which called it into being shall be abandoned and forgotten, and the principle of forbearance departed from, it must perish with them, and be resolved into its original elements. It was under this deep and painful impression that he invoked them, by every association that could bind a man to his country, to pause, and weigh in their own minds, as they would have to answer to those who had reposed the most sacred of all trusts in their hands, the consequences of passing this bill. It was not for him to say what those consequences would be.

Mr. D. concluded a quarter before 12 o'clock.

Mr. CRAIG, of Virginia, after a few remarks, demanded the previous question; but withdrew his motion at the request of Mr. CARSON, of North Carolina, who, under a promise to renew the motion, made an explanation in reference to something which had been said by Mr. Daniel. He then, according to promise, renewed the motion for the previous question.

Mr. LEWIS moved an adjournment.

The motion was negatived.

Mr. CLAYTON wished Mr. Craig to withdraw his motion for the previous question, to allow him to explain; but Mr. CRAIG declining to do so,

Mr. WICKLIFFE said he had an amendment or two to offer. He was called to order, as the motion for the previous question was not debateable.

The demand for the previous question was seconded: Yeas 103.

The previous question was then put, as follows: "Shall the main question now be put?"

A call of the House was moved, but negatived.

The previous question was then carried by yeas and nays, as follows:

YEAS.—Messrs. Adams, Chilton Allan, Heman Allen, Anderson, Appleton, Ashley, Banks, N. Barber, Barstow, Isaac C. Bates, James Bates, Beardsley, Bell, Bergen, James Blair, John Blair, Boon, Bouck, Briggs, John Brodhead, John C. Brodhead, Bucher, Bullard, Burd Cambreleng, Carr, Chandler, E. Cooke, Bates Cooke, Corwin, Craig, Crane, Crawford, John Davis, Dearborn, Dickson, Doubleday, Draper, Joshua Evans, Edward Everett, Findlay, Fitzgerald, Ford, Grennell, Thomas H. Hall, William Hall, Hiland Hall, Harper, Hawkins, Hiester, Hodges, Hoffman, Hogan, Holland, Horn, Howard, Hubbard, Huntington, Ihrie, Irvin, Isacks, Jarvis, Richard M. Johnson, J. Johnson, Kavanagh, Kendall, Kennon, John King, Henry King, Lansing, Leavitt, Lecompte, Lyon, Mann, Maxwell, Wm. McCoy, McKennan, Mercer, Mitchell, Muhlenberg, Nelson, Pearce, Pendleton, Pierson, Pitcher, Polk, Potts, John Reed, Edward C. Reed, Sewall, Smith, Speight, Standifer, Stephens, Stewart, Storrs, Sutherland, Taylor, Fras. Thomas, Philemon Thomas, John Thomson, Tompkins,

Tracy, Ward, Wardwell, Wayne, Campbell P. White, Edward D. White, Worthington, Young.--110.

NAYS.--Messrs. Alexander, Robert Allen, Arnold, Barnwell, Barringer, Bouldin, Carson, Chinn, Claiborne, Clayton, Coke, Connor, Coulter, Creighton, Daniel, Davenport, W. R. Davis, Denny, George Evans, Horace Everett, Felder, Gordon, Griffin, Letcher, Lewis, Mason, Marshall, Robert McCoy, McIntire, McKay, Milligan, Newnan, Newton, Nuckolls, Patton, Plummer, Roane, Root, Russel, Wiley Thompson, Verplanck, Watmough, Wheeler, Elisha Whittlesey, Wickliffe.—44.

So the House determined that the main question should now be put.

The main question was accordingly put--"Shall the bill be ordered to be engrossed, and read a third time?" and determined as follows:

YEAS.--Messrs. Adams, Chilton Allan, Heman Allen, Anderson, Appleton, Ashley, Banks, Noyes Barber, Barringer, Barstow, Isaac C. Bates, James Bates, Beardsley, Bell, Bergen, James Blair, John Blair, Boon, Bouck, Briggs, John Brodhead, John C. Brodhead, Bucher, Bullard, Cambreleng, Carr, Chandler, Eleutheros Cooke, Bates Cooke, Corwin, Craig, Crane, Crawford, Creighton, John Davis, Dayan, Dearborn, Denny, Dickson, Doubleday, Draper, George Evans, Joshua Evans, Edward Everett, Horace Everett, Findlay, Fitzgerald, Ford, Grennell, William Hall, Hiland Hall, Harper, Hawkins, Hiester, Hodges, Hoffman, Hogan, Holland, Horn, Howard, Hubbard, Huntington, Ihric, Irvin, Isacks, Jarvis, R. M. Johnson, Joseph Johnson, Kavanagh, Kendall, Kennon, John King, Henry King, Lansing, Leavitt, Lecompte, Letcher, Lyon, Mann, Marshall, Maxwell, Wm. McCoy, McIntire, McKay, McKennan, Mercer, Milligan, Mitchell, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Polk, Potts, John Reed, Edward C. Reed, Russel, Sewall, Slade, Smith, Southard, Speight, Standifer, Stephens, Stewart, Storrs, Sutherland, Taylor, Francis Thomas, Philemon Thomas, John Thomson, Tompkins, Tracy, Verplanck, Ward, Wardwell, Watmough, Wayne, Wilkin, Elisha Whittlesey, Campbell P. White, Edward D. White, Worthington, Young.--126.

NAYS.--Messrs. Alexander, Robert Allen, Archer, Arnold, Barnwell, Bouldin, Carson, Chinn, Claiborne, Clayton, Coke, Connor, Coulter, Daniel, Davenport, Warren R. Davis, Felder, Foster, Gordon, Griffin, Thomas H. Hall, Lewis, Mason, Robert McCoy, Newnan, Nuckolls, Patton, Plummer, Roane, Root, Wiley Thompson, Wheeler, Wickliffe.—34.

Mr. BELL moved that the bill have its third reading now.

Mr. CARSON remonstrated, and proposed to-morrow.

Mr. LEWIS demanded the yeas and nays.

Mr. GORDON opposed the third reading at this time, on account of the absence of many gentlemen who wished to record their names against it. He wished, himself, to offer some remarks upon the bill.

Mr. DAVIS, of South Carolina, said he had been anxious to address the House, and would, if it were the wish of the House, occupy about twenty minutes. But he could not ask it. Were he a mere demagogue, he would wish no greater advantage than to have the bill thus driven through the House.

Mr. FOSTER moved an adjournment, but withdrew his motion.

Mr. WARD said a few words, proposing a course to be adopted.

Mr. WICKLIFFE said he never had known the previous question called on a bill which had never been read, either in the House or in committee.

Mr. LETCHER remonstrated against proceeding at this time, as the bill was completely in the power of the House, and its passage could not be prevented.

Mr. COULTER hoped those opposed to the bill would commit it into the hands of the majority. It was plain that the bill must pass. He should have liked to address a few remarks to the House, but he was not solicitous on the subject, because there was another way of reaching the public than by speeches in that House.

Mr. CARSON said he should resign the bill to the majority.

Mr. POLK thought it would be better to delay the third reading of the bill until the House was fuller.

Mr. BOULDIN said there could be no need to postpone, unless those opposed to the bill could be heard. He had no other word to say, whether the bill pass to-night or to-morrow; it was the same thing to the part of the country he represented; but he ought to be allowed to declare their sentiments before it became a law.

Mr. BEARDSLEY pressed the question to-night: the House had no time to hear further debate.

Mr. CRAIG said he was conscientious in voting for the bill; but he should do so without knowing how his constituents viewed it.

Mr. LYON thought it would be better to read the bill now: and he would, in the morning, move the previous question, when all would record their votes.

Mr. COKE said the indications of the will of the House that the bill should pass without hearing the views of the minority were so decided that he should not oppose it: but he should prefer delivering his views.

Mr. POLK inquired whether, if the bill should be ordered to the third reading, and then the previous question should be called, the bill would be the first in order in the morning.

The CHAIR replied in the affirmative.

Mr. FOSTER moved an adjournment; which was negatived without a count.

The question was at length put on deferring the reading of the bill until to-morrow, and decided in the negative without a count.

The question was thereupon put on reading the bill now.

Mr. BEARDSLEY moved the previous question: and it was seconded by a majority of the House.

Mr. WICKLIFFE inquired whether the SPEAKER could recognise the motion for the previous question as in order, before the bill had ever been read at all.

The SPEAKER referred to the journal to prove that the bill had been twice read.

The CHAIR then inquired whether any member wished the reading of the bill; if they did, it should be read.

Mr. WICKLIFFE again made his question of order, and insisted that the previous question could not have been in order till the bill had been read through, as the House had ordered.

The CHAIR decided that the bill must first be read. It was then read through at the Clerk's table.

[It was now one o'clock in the morning.]

The question being propounded on the passage of the bill,

Mr. BEARDSLEY moved the previous question--it was seconded, put, and carried by yeas and nays, as follows: Yeas 111, nays 40.

The House then adjourned at about half past one.

FRIDAY, MARCH 1.

BANK OF THE UNITED STATES.

Mr. VERPLANCK, under instruction from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means report: That, among the subjects referred to the Committee of Ways and Means, at an early period of the session, were the transactions of the Bank of the United States, in relation to the payment of a portion of the public debt; and the

inquiry into the present pecuniary and financial state and management of the institution.

The arrangement made by the bank for a temporary postponement, with the consent of the holders, of the payment of five millions of the three per cent. debt, being now substantially closed by the surrender to the Government of the certificates of stock, except for a small amount, and the whole debt itself having been liquidated, so far as respects the Government, at an earlier period than it is probable it would otherwise have been, this question seems no longer to present any important or practicable object of inquiry, or to call for or admit any action of Congress upon it.

The committee have examined several of the directors on this subject, as well as upon other points connected with the management of the institution. Their testimony is herewith submitted, and the committee specially refer to the evidence of Mr. Bevan and Mr. Eyre as explanatory of the history and motives of this transaction.

It is due, however, to the Government to express the opinion, that, in the arrangement made by the bank agent in England for the purchase of the three per cent. stock, and the detent on of the certificates, (which measures were afterwards disclaimed by the bank,) the bank exceeded its legitimate authority, and that this proceeding had no sufficient warrant in the correspondence of the Secretary of the Treasury.

The inquiry into the present condition of the bank, the general character of its business, and the soundness of its capital, is a subject of much greater interest and importance, since it involves not only the question of the safety of the public deposites, but the value of the large amount of stock held by Government, and the still more momentous considerations of the soundness of a large portion of our currency, and the consequent security or insecurity of the domestic exchanges and commerce of the country.

The President, in his message to Congress at the opening of the present session, informed them "that such measures as were within the reach of the Secretary of the Treasury had been taken to enable him to judge whether the public deposites in the Bank of the United States were entirely safe; but, as his limited power might prove insufficient to that object," the President recommended the subject to Congress, as particularly worthy of their investigation.

Since that period, the report of the agent appointed by Government for this examination, has been communicated to Congress, and referred to this committee. The Committee of Ways and Means have also received from the directors of the bank a report on the principal points of its administration and its present state, prepared by the exchange committee of the bank, and adopted by the board of directors.

The importance of the statements and results, contained in that report, induced the Committee of Ways and Means, in the course of the examination of the directors composing the exchange committee, to require their attestation, under oath, to the facts and statements of that paper, as distinguished from its opinions and arguments. This was done very fully. The same, and other directors, (two of whom had heretofore been Government directors, one under the present, and one under two former administrations,) in reply to various interrogatories, stated, as will be seen in the evidence herewith submitted, the means at the command of the board of directors, or any member of it, for distinctly knowing the operations of the several branches, and the character of the paper discounted at them, together with their own opinion, drawn from these sources, of the general safety of such paper.

The Committee of Ways and Means have to regret that the constant and daily pressure of the various duties which have devolved upon them, during this short and laborious session, did not permit a more full examination of the concerns of the institution. If, however, in the entire absence of any evidence calculated to refute, or, in any way, impeach, that which is before the committee, the statements and opinions of the treasury agent, selected by the treasury to examine the condition of the bank; those of several of the present directors, men of character and intelligence, long conversant with accounts and banking business; the official returns of the bank itself, and the report of its principal committee, attested to under oath; if all these can be relied upon, as furnishing satisfactory information on the present state and pecuniary means of the institution, the following results will appear:

First. The directors of the bank at Philadelphia receive from the boards of their branches frequent, regular, and minute returns of the paper discounted by them. These returns, together with the separate correspondence of the cashiers of the several branches, afford such information of all the business of those branches as to enable the board of the mother bank, or any single director who may wish to inquire into it, to ascertain the character of the business of those branches: as, for instance, whether the mass of paper discounted be founded on ordinary commercial transactions, and to be paid from their proceeds when at maturity, or whether any considerable proportion of it consists of what is called accommodation paper, regularly renewed. They can know, in like manner, whether the domestic bills of exchange, purchased at the branches, arise out of business transactions, and to be paid when at maturity, or whether they are mere accommodation paper in another form, to be repeatedly renewed by drawing and redrawing between distant offices.

Second. These returns, together with the reports of the boards of the several branches, upon whose character and judgment they place great reliance, form the ground upon which the directors have stated, under oath, their full confidence that the mass of paper discounted by the bank and its branches, and detailed as active debt in their statement, is safe. On this, they believe, no serious loss need be apprehended. The dishonored paper held by the bank is stated to be returned as doubtful or suspended paper, and to be estimated not at its nominal but at its presumed actual value. The real estate of the bank is, in like manner, valued, not at cost, but on estimates founded on frequently renewed appraisals of the probable market value. They depose that, to the best of their knowledge and belief, the whole amount, with inconsiderable exceptions, if any, of domestic bills of exchange purchased by the bank and its offices, is regular business paper, founded upon the agricultural exports and commercial imports of the country; and that by far the greatest portion (probably nine-tenths) of the notes discounted is of the same character. They also assert, with much confidence, that most of their accommodation notes are well secured, and form, in fact, the safest investment of the bank.

The inquiries respecting the amount of accommodation paper were made to ascertain the character of the general business transactions of the bank; and not because the committee believed that accommodation paper, discounted to a great extent, would necessarily endanger the solidity of any moneyed institution. Such paper may frequently be as safe, and such loans as useful, as any. But it is certain that, when moneyed institutions are in a hollow and unsound state, it commonly arises from the capital having been invested in doubtful paper of this description. The very fact, therefore, of the discounts of a bank being principally applied to the ordinary business paper of an active commercial community, will show, that, allowing for only ordinary judgment and integrity in the selection of such paper, nothing short of some general

overthrow of mercantile credit will produce material loss.

Third. In general corroboration of their statements on this point, as well as of their opinions of the security of the bank debt, the directors appeal—1. To the fact of the great fluctuation of the exchange business, at the same points, at different periods, corresponding with the periods of the shipments of agricultural produce in the West; as, for instance, at Nashville, within three months in 1831, from $366,000 to $1,062,000. And again, at the same place, in 1832, within about a half a year, from $2,760,000 down to $503,000. 2. That of the easy reduction, during the last year, of about one-eighth of the whole amount of the bank debt throughout the Union, and specially to the amount reduced in the Western offices. 3d. To the very small amount of losses which have occurred for some time past in those offices, and to the facility with which, in addition to the aggregate reduction of loans there, a very considerable proportion of the local debt, on promissory notes, has been converted into the more secure and manageable form of domestic bills of exchange.

If these statements, and this evidence, can be relied upon, the available and secure resources of the bank amounted, on the 1st of January last, to eighty million eight hundred and sixty-five thousand dollars, whilst all the claims against it, for bills, debts, and deposites, including those of the Government, and for the redemption of the public debt, were but $37,800,000, leaving about forty-three millions as a guaranty to the nation against any losses. For as the whole amount of debts, bills, and deposites, must be paid before the stockholders, the whole capital and the surplus must be considered as a pledge for the debts due to individuals and the Government. As the capital consists of thirty-five millions of dollars, it would appear, from this statement, that the bank had earned, and then possessed, a surplus of twenty-two per cent. above the amount of its capital. Whether that surplus could or could not be realized at a final winding up of the bank, is a subject only interesting to the buyers, sellers, and holders of stock. The single point of view in which it is important to the nation, is in regard to its bearing on the healthy state of the bank, and the consequent safety of the public deposites, and the sound state of the currency. For these objects, it is sufficient to inquire whether this surplus does or does not afford a sufficient guaranty that the original capital of $35,000,000 is unimpaired.

The whole amount of bills and paper held by the bank on the 1st of January last was $61,695,000; of which $8,246,000 is stated to be the local debt of the Western States; leaving $53,749,000 as the debt of the Atlantic commercial cities, and that in the shape of domestic bills, between them and the interior. There seems no reason to doubt that the paper of the description last mentioned is of the same general character as that of other city banks, managed with ordinary discretion. Now, it is well known, that, in our great cities, business paper is constantly guarantied by commercial houses of prudence, stability, and wealth, for a *del credere* commission of two and a half per cent. On much of the better class of paper, and in some of our Northern cities, upon most of it, the ordinary charge is much less: but a greater proportion of loss than this ought certainly not to occur in a well managed city bank, where the judgment and information of a board of directors is combined with that of its officers. In point of fact, it is believed that two and a half per cent. on their discounted paper actually exceeds the losses of prudently managed institutions in our cities. But, allowing the loss on the Atlantic and commercial debt to reach four times that amount, say ten per cent. then $5,370,000 of the surplus, would be an ample guaranty against such loss. This would leave $2,680,000 as a surplus, which would meet the loss of about one-third of the local Western debt, without impairing the original capital of the bank.

The committee do not mean to be understood as asserting their belief that the Western debt is more hazardous than that in any other part of the Union. The bank directors express their conviction that it is not so; and the agent appointed by the treasury does not hesitate to say "that he considers that debt in a safe and wholesome state, and that a greater amount of loss need not be apprehended from it, than from a similar mass distributed in the cities of the Atlantic frontier." But this estimate has been made, because the extent of the Western transactions of the bank has been mentioned as one of the subjects peculiarly calling for investigation.

These general views of the situation of the bank, and the consequent safety of its depositors and bill holders, derive strong confirmation from the fact of the large proportion of the specie in the country, which is held by the bank. It appears, from official documents, of unquestionable authority, that the specie, actually in the vaults of the Bank of the United States, is within one-tenth of the amount held by all the other banks in the Union, whilst its circulation of paper is but one-fourth of the aggregate of theirs. In other words, the Bank of the United States has above nine millions of specie, with a circulation of notes to the amount of seventeen millions and a half: whilst the aggregate of all the other banks, with specie in their vaults but a little above ten millions, have a circulation of sixty-eight millions of bank paper.

If, then, the evidence herewith submitted can be relied upon, which it is for the House to judge of, there can be no doubt of the entire soundness of the whole bank capital, after meeting all demands upon it, either by its bill holders or the Government; and such is the opinion of the committee, who feel great confidence in the well known character and intelligence of the directors whose testimony supports the facts above stated.

The committee conclude by respectfully recommending the adoption of the following resolution:

"*Resolved*, That the Government deposites may, in the opinion of the House, be safely continued in the Bank of the United States."

The report was accompanied by sundry documents.

Mr. WATMOUGH moved the printing of 10,000 extra copies of the report and documents; which was agreed to, (Mr. HORN, who had objected to the motion, having withdrawn his objection.)

Mr. POLK then made a report from the minority (three members) of the committee, of which the same number was ordered to be printed.

DOUBTFUL POWERS.

Mr. DANIEL, from the select committee to which was referred so much of the President's message as related to the exercise of doubtful powers, made a verbal report, stating that there was not a single point on which the committee could agree; and he had therefore been directed to move that the committee be discharged from the further consideration of the subject; which was, after some jocular conversation, agreed to.

TARIFF REPORT.

The question recurring on the motion heretofore made, to print the report from the minority of the Committee on Manufactures,

Mr. ADAMS said that he should have been glad to have made some reply to the remarks of Mr. HOFFMAN, merely to satisfy the House that there had been no unfairness on the part of the minority. The report was not a speech, as the gentleman had intimated, but a report, signed by those members who had agreed to it. But, on account of the preciousness of time, he should be content with having the question taken by yeas and nays.

Mr. HOFFMAN concurred. He had early meant to say that the paper, though in the form of a report, was, in fact, little different from a speech.

Mr. BARBOUR said that though there was scarcely a position in the report to which he agreed, he hoped it would be printed.

The yeas and nays were then taken, and the printing was ordered: Yeas 93, nays 58.

COLLECTION BILL.

The bill from the Senate further to provide for the collection of duties on imports came up on its final passage, and was decided as follows:

YEAS.—Messrs. Adams, Chilton Allan, Heman Allen, Allison, Anderson, Appleton, Armstrong, Ashley, Banks, Noyes Barber, Barringer, Barstow, Isaac C. Bates, James Bates, Beardsley, Bell, Bergen, Bethune, James Blair, John Blair, Bouck, Briggs, John Brodhead, John C. Brodhead, Bucher, Bullard, Burd, Burges, Cahoon, Cambreleng, Carr, Chandler, Choate, Collier, Eleutheros Cooke, Bates Cooke, Corwin, Craig, Crane, Crawford, Creighton, John Davis, Dearborn, Denny, Dewart, Dickson, Doubleday, Drayton, Draper, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Findlay, Fitzgerald, Ford, Gilmore, Grennell, William Hall, Hiland Hall, Harper, Hawkins, Hiester, Hodges, Hoffman, Hogan, Holland, Horn, Howard, Hubbard, Huntington, Ihrie, Ingersoll, Irvin, Isacks, Jarvis, Jenifer, Richard M. Johnson, Joseph Johnson, Kavanagh, Kendall, Adam King, John King, Henry King, Kerr, Lansing, Leavitt, Lecompte, Letcher, Lyon, Mann, Marshall, Maxwell, McCarty, Wm. McCoy, McIntire, McKay, McKennan, Mercer, Milligan, Mitchell, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Polk, Potts, Randolph, John Reed, Edward C. Reed, Russel, Semmes, Sewall, William B. Shepard, Augustine H. Shepperd, Slade, Smith, Soule, Speight, Standifer, Stephens, Stewart, Sutherland, Taylor, Francis Thomas, Philemon Thomas, John Thomson, Tompkins, Tracy, Verplanck, Vinton, Ward, Wardwell, Washington, Watmough, Wayne, Wilkin, Elisha Whittlesey, Frederick Whittlesey, Campbell P. White, Edward D. White, Williams, Worthington, Young.—149.

NAYS.—Messrs. Alexander, Robert Allen, Archer, Arnold, Babcock, John S. Barbour, Barnwell, Bouldin, Carson, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Cooper, Coulter, Daniel, Davenport, Warren R. Davis, Felder, Foster, Gaither, Gordon, Griffin, Thomas H. Hall, Hawes, Hughes, Cave Johnson, Lamar, Lewis, Mardis, Mason, McDuffie, Newnan, Nuckolls, Patton, Plummer, Rencher, Roane, Root, Stanbery, Wiley Thompson, Weeks, Wheeler, Wickliffe, Wilde.—48.

So the bill was finally passed.

The question being on its title,

Mr. McDUFFIE said that he rose to perform a solemn duty. The House was about to destroy the rights of the States—was about to bury the constitution: he asked the poor privilege of writing its epitaph. He then offered an amendment to the title of the bill, by striking out its present title, and inserting the following in lieu thereof: "An act to subvert the sovereignty of the States of this Union, to establish a consolidated Government without limitation of powers, and to make the civil subordinate to the military power."

Mr. WAYNE moved to lay the amendment upon the table.

The CHAIR said the motion was not in order.

Mr. SPEIGHT demanded the previous question, and the call was seconded by the House.

The yeas and nays were thereupon ordered, and being taken, stood as follows: Yeas 150, nays 35.

So the House determined that the main question should now be put.

[The main question was on agreeing to the title of the bill as it came from the Senate, Mr. McDUFFIE's proposed amendment having been cut off by the affirmative vote upon the previous question.]

The question was accordingly put and carried; and, in the same shape in which it passed the Senate, the bill was returned to that body.

The SPEAKER then proceeded to call the orders of the day; and

All the orders of the day were then, by successive motions by Mr. WICKLIFFE, postponed to to-morrow, until the Land bill was reached; when, on motion of Mr. W.,

The House resolved itself into a Committee of the Whole on the state of the Union, the SPEAKER calling Mr. POLK to the chair.

Mr. VERPLANCK moved that the committee take up some appropriation bills, but the motion was negatived; and then, by a decisive majority, took up the bill, from the Senate,

TO DISTRIBUTE THE PROCEEDS OF THE PUBLIC LANDS.

Mr. DUNCAN moved an amendment, proposing to fix the minimum price of the public lands at one dollar; but it was rejected without a count.

An amendment was offered by Mr. DUNCAN to set apart twenty per cent. of the value of the public land in certain of the new States, before the division of the proceeds should be made, instead of twelve and a half per cent. as in the bill. But it was negatived.

Mr. WICKLIFFE moved to amend the second section thereof, by striking out the words which restrict the application of the funds accruing to the several States to three specified objects, (internal improvement, education, and colonization,) and to leave it to the States to apply the funds in such a manner as the Legislatures thereof shall direct.

The amendment was adopted without a count.

Mr. WICKLIFFE also added a proviso postponing the effect of the bill until the public debt should have been paid.

Mr. PLUMMER proposed to amend the bill so as to require the expense of surveys and sales of the public lands to be first deducted, before the distribution should be made among the States. He made a short speech in support of this motion, and

The question being put, it was negatived.

Mr. WHITE, of Florida, moved to amend the bill, so as to include Florida in the distribution of the land; but it was negatived without a count.

Mr. CLAY, of Alabama, moved to amend the bill by striking out all after the enacting clause, and inserting, instead thereof, the two following sections:

"That, from and after the passage of this act, all the lands in the United States which have been offered at public sale to the highest bidder, and have remained unsold twenty years or upwards, shall be subject to sale, by private entry, at the rate of twenty-five cents per acre; those which have been offered in like manner, and have remained unsold fifteen years, and less than twenty years, at the rate of fifty cents per acre; those which have been offered in like manner, and have remained unsold ten years, and less than fifteen years, at the rate of seventy-five cents per acre: and those which have been offered in like manner, and have remained unsold five years, and less than ten years, at the rate of one dollar per acre.

"SEC. 2. *And be it further enacted*, That all the lands of the United States which may be hereafter offered at public sale, to the highest bidder, and shall have remained unsold five years, and less than ten years, shall be subject to sale, by private entry, at the rate of one dollar per acre; those which shall have remained unsold ten years, and less than fifteen years, at the rate of seventy-

five cents per acre; those which shall have remained unsold fifteen years and less than twenty years, at the rate of fifty cents per acre; and those which shall have remained unsold twenty years, or upwards, at the rate of twenty-five cents per acre."

Mr. CLAY said that he must appeal to the sense of justice in the majority of the House, for a right to be heard on a subject so deeply interesting to his constituents. He did not rise merely for the purpose of consuming time, which he knew, at this late hour of the session, to be very precious. His object was to present to the House, in comparison, the plan contained in the original bill, and that developed by the substitute which he had offered, in the form of an amendment. He would not, however, press the discussion of the subject at this moment, if the committee should be disposed to take a recess: he asked the House either to postpone the further consideration of the bill until to-morrow, or to take a recess; and, in order to ascertain its will, he would move that the committee now rise.

The motion was lost.

Mr. SPEIGHT, of North Carolina, now moved that the House take a recess for two hours.

This motion also was negatived: Yeas 29, nays 86.

Mr. CLAY then again rose, and said he should bow to the decision of the House; a decision which accorded well with the purpose which had been so repeatedly manifested, to drive this bill through, without allowing it to receive that consideration and discussion which were so eminently due to a measure of such magnitude. It was not necessary for him to advert to his personal debility, having recently labored under severe indisposition; it was not his wish or his purpose to give this subject the go-by; whatever might be his inability, mental or physical, he should endeavor to proceed in the discharge of his duty, and would present to this House such views as he might be able to take of this very serious and important subject.

My proposition, said Mr. C., is to strike out this bill, and insert that which has been read to the House.

My amendment, it will be seen, contemplates a reduction in the price of land which has been offered at auction and remains unsold, and a graduation of the price, in proportion to the time it has been in market. This brings into review the merits of the entire proposition presented by the bill.

I insist and will maintain that this bill involves a breach of faith, on the part of the General Government, towards the States which have ceded lands to the Union: that it contains more palpable violations of the constitution than any measure ever brought into this hall; and, if it were free from these vital objections, that the measure it proposes is in the highest degree inexpedient, and perpetrates the most flagrant injustice to the younger members of this confederacy.

I have said, and I repeat, that this bill involves a breach of good faith on the part of this Government. I meant that remark to be heard; and its truth will be sustained by a recurrence to every act of cession by which the public domain has become the property of the States in general. Whoever will take the trouble to consult these acts must perceive, that to apply the proceeds of these lands as is proposed by the bill before us, would be a plain and palpable violation of the faith of the Government, and jeopard its character for truth, honor, and justice.

Will gentlemen look back to the inducements to cessions of their vacant western territory, which were held out by Congress to the States having such claims? The leading object or consideration of a compact of any kind, must afford much aid in determining its proper construction. By recurring to the journals, it will be found that Congress, as early as September, 1780, "thought it advisable to press upon the States having claims to the Western country, a liberal surrender of a portion of their territorial claims;" that in October of the same year they passed other resolutions, by which they "fixed conditions, to which the Union should be bound on receiving such cessions;" that they "again proposed the same subject to those States, in their address of April 18th, 1783, wherein, stating the national debt, and expressing their reliance for its discharge on the prospect of vacant territory," they renewed their proposals to the States having vacant territory. In April, 1784, after reciting the various steps which they had before taken, on the same subject, they adopted a resolution in the following words, which I beg leave to read to the committee:

"*Resolved*, That the same subject be again presented to the attention of the said States; that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as foreigners, these several creditors have a right to expect that funds shall be provided, on which they may rely for their indemnification; that Congress still consider vacant territory as an important resource; and that, therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union."

In this resolution are summed up the motives which induced Congress to ask--nay, earnestly to press and urge--the States to cede their vacant territory; to raise the means of discharging the national debt, produced by the war for liberty and independence, which had been so happily terminated; to refund our citizens, as well as foreigners, for supplies of property, and loans of money, which had contributed to that most desirable and glorious consummation. Congress did not ask cessions of land for local objects, but for those strictly national; the often avowed purpose was to improve and strengthen the resources of the General Government for national purposes, in which the States called upon to cede had a common interest. Those repeated, pressing, and urgent applications to the States at length prevailed; and it is only necessary to examine the terms recited in the various acts of cession, to be satisfied that they surrendered their vacant lands only for the desirable purposes proposed.

Virginia stipulated, in her act of cession, "that all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, (that is, grants to certain troops and citizens of her own,) or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive," &c.

Georgia, in her act of cession, declared "that all the land ceded, &c. be considered a common fund, for the use and benefit of the United States, Georgia included."

Each of these clauses was followed by an express stipulation that the funds arising from the lands ceded should be "faithfully disposed of for that purpose, and for no other use or purpose whatever."

It is unnecessary to fatigue the committee by reciting the terms of the several compacts between other States and the Government of the United States; they are all substantially the same.

These lands were to be a common fund, for the use of the whole Union--not of each, or any of the States, separately considered, but of the Government itself. These acts contain no such language as that the proceeds of the land may or shall be distributed equally among the States; nor can I conceive how it is possible for ingenuity itself to distort the terms employed in them, so as to re-

concile them with the purpose avowed by this bill. Did Georgia ever cede her vacant territory for purposes in which she was to have no common interest with her sister States? Surely not. And, I ask, what interest has Georgia in those several purposes, to which, according to this bill, the avails of these lands may be applied by the State Legislatures? We have, to be sure, amended the bill by striking out the enumeration of these purposes as first proposed; but we have gone yet further than the bill at first proposed—we have left it in the power of the States to appropriate the money just as they may deem most expedient, without limitation or restriction. There is no purpose to which the power of a State is adequate, to which the proceeds of this domain may not be applied. If the bill still remained in its original shape, the question would well arise; how much more in its amended form? Georgia has ceded her land to the whole United States, "Georgia included." Of the proceeds of this land more than $400,000 annually will, if this bill becomes a law, go to the Legislature of the State of New York. Suppose that Legislature shall choose to apply $100,000 of this money to the erection of a poor-house or a hospital, has Georgia any interest in this? She has not. How is she interested in a hospital to be used by the citizens of New York, more than in the promotion of any other object of humanity? What is a hospital in New York more to her than a hospital in England or the East Indies? Again: New York may give the money to an object still more private and exclusive, in some remote neighborhood of her extensive territory—for instance, a county jail or court-house; has Georgia any interest in that? She has none. The domain being granted as a common fund, and not to the States in severalty, such an application of its avails is a violation of the terms of the compact, and of the good faith of the Government. The same remarks will apply with equal justice to the other States who ceded their lands. The terms of cession may vary, but the general effect is in all cases the same. Virginia granted hers on the express condition that they were to constitute a common fund, as expressly as Georgia did. But is Virginia interested in the local improvements in Maine, in Massachusetts, in Georgia, or Alabama? Not at all: and to apply her land to such objects, is to violate that compact which it ought to be the honorable pride of every American to preserve sacred.

But there are other objections to the bill, arising from the terms of the several compacts, which go to show that the proposed application of these funds will be a perversion of the purpose of the donors. Let it be remembered that I am speaking now only of so much of the public land as has been obtained by cession from the States, and not of that which has been otherwise acquired. All who are acquainted with the history of the times when these cessions were made, know what were the inducements which led to them. Indeed, I have already shown that the lands were given from public and patriotic considerations, and with a special view to the payment of the public debt. Let me then ask every considerate and candid man whether it is consistent with the spirit and ends of the compact, without consent of parties, for us now to divert the proceeds to objects totally different. Shall I be told that the leading object of the cession has been accomplished; that the public debt is paid, and that we may, therefore, apply the proceeds to the special benefit of particular States? If so, I inquire—Has the public debt been paid out of the proceeds of these lands? By no means. All know that the public domain, thus far, has not balanced its own account; the lands have not paid their own expenses.

According to an official report from the Commissioner of the General Land Office, at the last session, it is in arrears about eleven millions of dollars. This being the case, would it not be consistent with the terms of cession o refund the general treasury, in which all the States are interested, the amount which it was intended the public domain should pay, (embracing both the public debt and its own costs and charges,) before the fund is appropriated to any other purpose?

The question is not, how the Government, if free to choose, might prefer to apply this fund; it is a question of good faith—How is the Government bound to apply it? When the States gave their land for a specific object, and that object has not been accomplished, can the Government direct the grant to other objects? I deny that it can. Virginia would never have given away her vast regions in the West, but for the sake of enabling the Government to pay its just debts, and especially that debt, more sacred than all others, which may almost be considered the price of our liberty. Georgia would never have surrendered the sixty or seventy millions of acres, now constituting the States of Alabama and Mississippi, to receive, in return, her nine shares out of two hundred and forty. Their object, and that of all the other States which made similar grants, was to pay the national debt, to enrich the national treasury, to exalt their common country, and benefit her in those things in which each had a common interest—not to be applied to the local purposes of any. To test the soundness of this view, I ask each member of the committee to put the question to himself—to appeal to his own bosom. Did either of the States which made grants of lands to the United States ever contemplate such an appropriation of her bounty as that now proposed? Can any man answer this question in the affirmative? I cannot believe there is one.

But, sir, there are other objections to this bill. I intimated, in the outset of my remarks, that, in my judgment, this bill proposed more violations of the constitution than any one measure which I had ever seen introduced into this hall. I may be mistaken—I do not claim to be infallible; but, if I understand the provisions of the constitution, this measure will violate them most grossly.

The position may be safely assumed, that the Government cannot do that indirectly which it cannot do directly. If the Government cannot appropriate money, constitutionally, to a given object, it cannot grant money to a State to be applied to the same object.

An attempt has been made, however, to render the bill more palatable to those who entertained constitutional scruples in regard to its provisions as it came from the Senate, by an amendment. It may be well, here, to notice that amendment, and see how far it is calculated to obviate such objections. As it came from the Senate, the Legislatures of the several States were only authorized to apply their respective distributive shares "to such objects of education, internal improvement, colonization of free persons of color, or reimbursement of any existing debt contracted for internal improvement, as the said Legislatures might severally designate and authorize." It will be perceived that this enumeration of objects was restrictive upon the State Legislatures; they could only have applied the money to those three classes of objects. On the presumption, I suppose, that some would consider the clause imperative on the State Legislatures to violate the constitution in the appropriation of the money to some one of the objects enumerated, and, therefore, vote against the measure, a motion was made, and carried, to strike out the clause so far as regarded the specification of objects to which the money might be applied. The effect of the amendment is to remove all restriction, and permit the Legislatures to apply the shares of the fund allotted to them respectively, "to such objects as they may severally designate and authorize." They are no longer restricted to education, internal improvement, and colonization of free persons of color, but may "designate and authorize" these, and any, and all other objects within the scope of State legislation for the application of the funds. Each of the objects, originally enu-

merated in the bill, are within the range of State legislation; consequently it cannot be pretended that the money to be distributed cannot yet be applied to them, as well as to any other. Under this view, I confess, I was much surprised that the gentleman from Virginia [Mr. BARBOUR] (who professed to favor a strict construction of the constitution) rose, when the motion was made for the amendment, and expressed a hope that it would prevail, as he could not otherwise vote for the bill. I then suggested to the committee and the gentleman, that, so far from obviating the objection of unconstitutionality, the amendment rendered it stronger; that it would give to the States a wider range, and allow them unlimited scope for every sort of loose and unconstitutional legislation. I still think so.

Sir, as the bill remains obnoxious to all the objections which applied to it, in its original form, besides the thousand others to which the amendment may give rise, let us consider some of them. Take, for example, internal improvement. A large portion of the nation have objected to the exercise of this power by the General Government as unconstitutional, even in its most imposing form. If appropriations for such objects, though even called "national;" improvements of a nature to promote the commercial prosperity of large districts of country, facilitating intercourse between quarters of the Union remote from each other; if appropriations for objects of such general interest were questioned, for the want of power in the General Government, what can be said in justification of a measure which puts in the hands of the different States millions of dollars annually, which may be applied to purposes merely local? Under the amended form of the bill, the State Legislatures have power to apply the money to any object of internal improvement they happen to desire. They are only restrained by their own exclusive judgment or discretion. If we bestow money on a State, out of this "common fund," for her to apply to objects in which neither the nation, nor, perhaps, any other State has a common interest, is it not just as unconstitutional as if we granted the money to these objects ourselves? No man can answer this question in the negative, and do himself justice. Let us take Pennsylvania, with her share of nearly three hundred thousand dollars. May not she appropriate one hundred thousand dollars to make a road one mile in length? May not she lay out her entire portion of this "common fund" on a railroad from Philadelphia to some coal mine? What interest have the other States in such a railroad? There is nothing to restrain her. It would be an improvement, and, doubtless, very useful to her, but it is not an object of a national character, nor one in which the other States have any common interest. Instead of expanding the discretion of the State Legislatures under this bill, as we have done by the amendment of which I have spoken, it would have been more conformable to the oath we took at that desk, so to have limited, as to have restrained it, if possible, to objects purely national. It has been questioned by many of the most sound and able politicians of the country, whether the General Government can make a canal or road of any kind; it has been denied that, but for the compact with the new States, it could have made the Cumberland road, extending through some half dozen of the States, and opening a channel of communication between the vast regions of the West and the Atlantic commercial cities; yet we are called upon, by the proposed measure, to assert the power in this Government to descend to the most minute local objects which come within the sphere of State legislation.

Again, sir, suppose one of the purposes to which the State Legislatures may think proper to apply this money should be the colonization of free persons of color, as originally intended—and there is nothing in this bill to prevent it—I demand your authority, under the federal constitution, to appropriate money for such an object. Is it to be found in the specified powers? or is it among the incidental powers "necessary and proper to carry into execution" those which are? If so, I hope some gentleman who advocates the bill will point me to the article, section, or clause in which it may be found, or to give effect to which it is essential. Until this is done, I cannot surrender the opinion that it can neither be drawn from the face of the constitution, nor from its history. It may be safely affirmed that this is not among the powers expressly granted, and, I think, may as safely defy any friend of the measure to show that it is incidental to any of them.

Sir, whilst I feel ready to acknowledge all the legitimate powers of this Government, I deny that we have any power to colonize free blacks; and I maintain, if we give this power, or the means of exercising it, to the States, we violate the constitution through their agency. I never doubted that a State could send free blacks out of the country, with their own consent, to any part of the world; the objection is to the power of this Government to furnish them funds for the purpose. The member from Pennsylvania, [Mr. STEWART,] who is one of the list to deny any power which it may, in his judgment, be convenient to exercise; who is one of the class of "general welfare" politicians; who always shows great perspicacity in discovering any thing that is either for the general welfare or his own, seemed to congratulate himself on the success of the motion to strike out this clause; but, whatever may be its effect on the passage of the bill, it has only rendered it more obnoxious; it has opened an interminable field. I was sorry to see the clause stricken out, on more accounts than one—chiefly for this reason, that, since the amendment, the dangerous character of the bill is not so distinctly held up to the eyes of the people; it does not come to the apprehension of every one as it did in its original shape; its glaring and palpable violations of the constitution are less readily seen. Had the original clause remained, there would not have been a man in the South who would not have revolted at the dangerous and unwarrantable assumption of power at first sight; but now the mischievous tendency of the bill may, and will, escape the observation of those who are not accustomed to examine such questions.

Sir, I may be sensitive on this subject; I acknowledge I am; and every other Southern man, who has listened to the arguments and doctrines advanced here, ought to be so. Why this ceaseless anxiety to agitate the subject of slave labor and colonization? The tariff cannot be discussed without arraying white labor against slave labor. The reduction of duties is said to involve the question; and it is openly maintained that it is not only within the constitutional power of the Government to protect manufactures, but, because they are the productions of white labor, that it is also right and proper. Would it not, on the same principle, be equally within the competency of the Federal Government, if the Southern people were to employ the labor of their slaves in manufactures, to give bounties, or lay discriminating duties, in favor of that portion fabricated by white men? Do not such arguments involve the proposition that a pound of cotton, or a yard of cloth, is enhanced or diminished in value by the complexion of the laborers employed in producing them?

Such views may appear too monstrous and absurd to be ascribed to any individual on this floor, but they are, nevertheless, all implied in the single proposition that free labor ought to be protected and encouraged in opposition to slave labor. That doctrine has been repeatedly and openly avowed by members of this House. Indeed, the argument has been openly maintained that slavery is incompatible with the general welfare. If this doctrine be established, what more is necessary, with those who believe that this Government can do every thing that will

promote "the general welfare," to authorize, or to induce them to undertake the abolition of slavery?

Sir, it cannot be controverted that abolition is the ultimate purpose of colonization, at least, with many who are engaged in effectuating the latter. If my ears did not greatly deceive me, (and those of other gentlemen must equally have deceived them,) I heard a distinguished member of the Colonization Society, in a public address made some twelve months ago, in effect declare his belief that Providence was preparing the way for the accomplishment of the great object of the society, the abolition of slavery throughout the Union. The same individual alluded to an unfortunate affair which happened about eighteen months ago, in Southampton, Virginia, as one of the means which Providence, in infinite wisdom and beneficence, had employed for the advancement of this object. Such impious and unwarrantable language is boldly used already—and what is to follow? As regards our legislation on the subject, colonization is but the first step. If we can appropriate money to colonize those who are free, why not those who are slaves, including the price of their emancipation, to be fixed by those who have no interest in them? If one power be constitutional, why not the other? If one can be derived from the constitution, so can the other; for it will be as easy to prove to such as wish to be convinced, that one is demanded by the "general welfare," as well as the other.

I have heard much, sir, within the last three years, of the danger of a dissolution of this Union—an event which all profess (I trust sincerely) to deprecate as the worst of national evils. If any thing is calculated, more certainly than all others, to produce such a calamity, not only to our own country, but to all mankind, it is legislation upon this subject. Let an appropriation be made in aid of colonization, and we shall hereafter hear it proposed to appropriate money to purchase and colonize our slaves. In defending such a proposition, how easy will it be to cite this very measure (should it become a law) as a precedent—as, in effect, granting three millions of dollars annually for the same object? It will be no difficult matter to show, to the satisfaction of some, by the kind of logic to which I allude, that colonization and abolition are naturally and closely connected—to identify them as alike necessary, nay, indispensable, to the "general welfare." Sir, I greatly fear that this will be the result of this first step in this species of legislation; and when such a state of things is presented, it will, indeed, be time for the South to decide the question of Union or slavery. If they are true to themselves, and have any regard to their rights of property, they never can submit to any such unwarrantable intermeddling on the part of the General Government.

Let me not be misunderstood upon this subject. I am no enemy of the plan of transporting and colonizing our free black population, properly conducted. It belongs legitimately to the States, and to the people—not to the Federal Government. Let our State Legislatures and our colonization societies effectuate the purpose (as I trust in God they may) with their own means, and such aid as they may derive from individuals, but let them not call on this Government for assistance; and, if called upon, let it not interfere with this delicate and dangerous subject. It was one of the main objects of this bill, and, though sought to be concealed by the amendment of which I have spoken, it is still so. Though hidden from the untutored eye, the poison still remains, and is not the less dangerous.

But the dividend of a State may also be applied to the purposes of education. I might here, again, ask for the power under the constitution, either express or implied, for this Government to appropriate money for such an object. It is, perhaps, true that the idea of a national university has been suggested by different individuals, and, probably, by one whose memory we all venerate; but I am glad the advocates of such a measure have hitherto been (and I trust ever will be) too few to indicate any prospect of its success. Have we any more power to establish a college than a country school? Have we more power, or would there be more propriety in facilitating the education of one class than another? The only power over subjects of this nature, granted to us by the constitution, is "to promote the progress of science and useful arts by securing, for limited terms, to authors and inventors, the exclusive right to their respective writings and discoveries." This being the only clause of the constitution in which any power is given to us over the subject of "science," and this limiting us to securing the rights of "authors and inventors," according to all rules of construction, implies a negative upon the exercise of any other power over the same subject. Sir, I well remember the sensation produced in Alabama, and, I believe, generally throughout the Union, by a proposition of the late President of the United States for the erection of a national observatory, or "light-house of the skies," as he thought proper to call it. Was there not among the people, in regard to this proposition, a general sentiment of disapprobation? Was it not denounced as an attempted usurpation of power? Yet this was a subject intimately connected with science, and the power, at least, as reconcilable to the constitution as that now proposed. I may be told there is precedent for this kind of appropriation in the past legislation of Congress; that grants of land for education have been made, extensively, to the new States.

I agree that such grants have been made, but they are distinguishable from the kind of appropriation originally proposed in this bill, and which remains unchanged by the amendment of which I have spoken. Those grants are connected with the disposition of the public lands; they tend to facilitate their sales at improved prices, and the increase of price, in consequence, is a full equivalent. Whether we regard the grant of land for State seminaries, or of sixteenth sections for township schools, the effect, obviously, is to enhance the prices of the remaining portion, and accelerate sales. Would not almost any man purchase more readily, and give a higher price than he otherwise would, for a tract of land within a township in which a section of good land is reserved for the support of schools? When those sixteenth sections are fertile, as many of them are, they furnish the means of meeting all the necessary expenses of ordinary education. The same reasoning applies, with equal force, to land granted for State seminaries. An individual, desiring to educate his sons liberally, would give a better price for land in a State having an institution of that grade, already well endowed, than if no such grant had been made. Independent of these considerations, the new States have given an ample equivalent on their admission, in surrendering, by their respective compacts, all claim to the unappropriated public domain within their limits, and their right to tax the same while it remains unsold, and for five years thereafter. Nor can any appropriation which may have been made for the support of a college in this District be relied on as a precedent. It might be, at least, plausibly distinguished on the ground relied on by many gentlemen of high and distinguished reputation, that Congress is the local Legislature of the ten miles square, and has, within the District, all the powers of a State Legislature. But if these were precedents, I do not mean to admit that one violation of the constitution would justify another. The power of the States, however, was not limited by the bill, in its original form, (much less is it now,) to the erection and endowment of institutions interesting to the whole Union, or even to a whole State. It is not restrained even to a State college or university; it reaches to local institutions—academies, free schools, and village seminaries. Are you prepared to give to this Government, whose

powers I have been accustomed to consider general, and for objects chiefly external, a power like this? Can any man concede it who does not believe the Congress of the United States to be like the British Parliament—omnipotent?

Sir, the objections to the bill, which I have already noticed, existed against it in every shape it came from the Senate. All restriction having been removed by the amendment of the committee, let us see to what other objects these funds may be applied. Is there any State, county, or parish purpose to which they may not? Under the bill, in its amended form, they are "to be applied, by the Legislatures of the said States, to such objects as the said Legislatures may severally designate and authorize." What the Legislatures of the States "may designate and authorize," are the objects to which we authorize the application; or, in language equally true, are the objects to which we, through the agency of the States, appropriate the funds of the nation. May not a State Legislature, consistently with the terms of the grant, apply these funds to the erection of a State prison, a county court-house or jail, a poor-house, or to any other State or local purpose? Can it be denied? If it be, I inquire, on what ground? Where is the restriction, except the judgment or discretion of the State Legislature? It is obvious that the fund allotted to any State may be appropriated to any object of State expenditure whatever. It may be used to defray the ordinary expenditures of the local Government—even the payment of its officers, executive, legislative, and judicial. Sir, temptation is dangerous, even to Governments. Suppose we show to the different State Governments that their respective shares, in the distribution of the proceeds of the public lands, will defray all their expenditures for State purposes; and that it happens, as is no doubt often the case, that raising revenue for these purposes by direct taxation of their constituents is unpopular, will there not be a strong temptation to persevere in this system of distribution, so far as to raise money through the instrumentality of this Government, for that purpose alone? By a publication which I have seen, it appears that the total amount of expenditures in Vermont, for the year ending in October last, was sixty-two thousand eight hundred and seventy-eight dollars and ninety cents, while her estimated share in the proceeds of the public lands is fifty-nine thousand nine hundred and ninety-five dollars and eighty-three cents. By the same publication, the total amount of expenditures in Rhode Island, for the year ending in May last, was twenty-eight thousand dollars; her share of the same fund would be twenty thousand seven hundred and seventy-seven dollars and twelve cents. The same authority shows the total amount of expenditures in Connecticut, for the year ending 31st of March last, was sixty-two thousand three hundred and three dollars and fifty-eight cents, while her distributive share will be sixty-three thousand six hundred and thirty-one dollars and seventy-two cents. These three States may serve as specimens, without exhausting your patience by further recitals: in two of them, their respective annual expenditures exceed, by small amounts, their estimated distributive portion of the fund in question; in the other, (Connecticut,) her share would exceed her expenditures. Now those States, and probably most of the others, might very readily adapt their expenditures to their receipts from this source; and, I ask, when they could thus get clear of all necessity for taxation at home, whether the temptation to such a course would not be too strong for probable resistance.

Many men revolt at the proposition of even distributing the surplus revenue among the States, to be applied to objects in which the Union, in general, has no concern; and, if I mistake not, the distinguished author of this measure himself has treated it not only with disapprobation, but derision. How much more would they complain of collecting taxes, through this Government, for the express purpose of being again distributed among the States. Yet such a principle is recognised by this bill. In effect, it assumes that the General Government has power to lay and collect taxes, which may be distributed among the States, to be by them employed on such local as well as general objects, as they may think proper. Indeed, this very bill proposes to carry out the principle. All the public domain has not been obtained by donation, or cession from the States. Louisiana cost us about fifteen millions of dollars, and Florida about five millions more, (to say nothing of the amount expended for the extinguishment of Indian titles,) which sums were paid out of the treasury of the Union, and originally raised by taxation. That the twenty millions of dollars, to which I have just alluded, were first converted into land, and again converted into money, makes no difference; it would be a mere quibble for the friends of this measure to seek to extricate themselves on that ground.

If, sir, such principles shall be tolerated, where is the security--where is the ground of hope for that portion of the Union which has so long been complaining under the oppressions of federal legislation? The General Government will be converted into a mere machine, to raise funds for any and every purpose that may enter the heads of those who can move it. An irresponsible majority may conclude that this is the most convenient mode of raising revenue for all purposes. The temptation to lay taxes which shall operate directly in favor of the interests of those who vote for them, is in its nature too strong to be resisted. We have seen the truth of this proposition too often demonstrated here, for it to be now questioned. We have seen the representatives from those States in which direct taxation is most unpopular, and whose Governments are the most rigidly economical—representatives from districts of the Union where individual economy is carried to the greatest extreme—most prodigal in voting away extravagant, and, as I have often thought, unnecessary appropriations.

Sir, there is another point of view in which this subject presents itself, which is worthy of the most serious consideration of this body; especially of those who profess an ardent desire to get rid of taxation, and reduce the revenue to the real wants of the Government. I allude to the amount proposed by this measure to be abstracted from the treasury of the United States, while it is to remain charged with all the expenses of purchasing, surveying, and selling the public lands. A proposition was made to amend this bill, so as to defray all these expenditures out of the proceeds, before their distribution; but how was it treated? Most unceremoniously rejected! Have gentlemen examined, or will they examine, the public documents, which throw light on this branch of the subject? It is only necessary to recur to a report made within less than a month by the Secretary of the Treasury, responsive to a call made on him by a resolution of the House, to see that the annual average expenditure for surveying and selling the public lands, including the salaries and incidental expenses of the General Land Office, and others, amounts to little short of three hundred thousand dollars. To that sum may be added the amount paid annually to the several Indian tribes for the purchases which have heretofore been made, and continue to be made every year. The precise amount I am, at this moment, unable to state, but it will be safe to assume more than two hundred thousand dollars. Here, then, are to be more than five hundred thousand dollars annually charged upon the revenue, raised by taxation, besides withdrawing the estimated sum of three millions, annually produced by sales, which should properly come in aid of other sources of revenue, and relieve us from taxation to that amount. Yet we should doubtless be told by many of the friends of this measure, that our bur-

dens ought to be reduced; that the revenue should be brought down to the lowest possible standard; that it should be limited to the actual exigencies of the Government, economically administered! Sir, can gentlemen be candid in such professions, and, at the same time, support a measure so contradictory to them? Is it prudent to abstract so much from the treasury before any experiment has been made of the result of the new tariff? Would it not be wiser to pause--to wait two or three years--and see what effect that law will have upon the revenue? Again: at what time is this extraordinary measure proposed? When the country is agitated, as it has been for some years, from one end to the other, on account of excessive and unequal taxation; when the near approach of the total extinguishment of the public debt had raised our hopes and expectations of relief; at such a time, is this large amount of the ordinary means of supporting Government to be abstracted. It is emphatically a tariff measure; it is the pretext for higher rates of duties, and a larger amount of revenue, through their medium; it is the very reverse of what was reasonably to have been expected; it is calculated to heighten still more the excitement, already fearful, and to jeopard still more the peace of the country, and the durability of our institutions. I am aware that this is no argument with some members of this House. It is none with those who would refuse to cut off six millions of unnecessary taxation; none with those who would incur the perils and hazards of civil war to extort this unnecessary amount from forty-nine-fiftieths of the anti-tariff portion of our population, on the pretended account of the indiscretion or rashness of one-fiftieth; none with such as are capable of adding fuel to the flame which already threatens to consume us by a deliberate, preconceived attempt to drag into the discussion of that subject the slave question. But I trust such arguments will have their proper influence with the friends of justice--with men of honor and patriotism. I think they must have their influence with those who regard the purity of this Government, and wish to preserve from impurity those who are engaged in its legislation. For my own part, if I desired to ensure the corruption of Congress, and at the same time an undue dependence of the States upon the General Government--if I wished to increase the power of the latter, and to weaken and degrade the former—I would desire no better means than such a policy as this bill proposes, or a large surplus revenue for our yearly bargainings and scramblings. As regards a "distribution of the surplus revenue," I entertain the same opinion I expressed on an occasion somewhat memorable, near three years ago, "the best and fairest mode is to leave it in the pockets of the people--the rightful owners."*

Sir, the true policy of the Government, either regarding its pecuniary interest or the welfare of its citizens, is embraced in my amendment--to reduce and graduate the price of the public land according to the time it may have been in market. I do not mean to say that my amendment is precisely right in its details; the time between one reduction and another is unnecessarily long; my purpose was to render it more acceptable. It would, in my opinion, be better, in every point of view, to make every reduction in half the time proposed. Two years, or two and a half, instead of five years, for instance, would be long enough to offer it at the present minimum, before it is reduced to one dollar per acre; and the like period before it is reduced to seventy-five cents per acre, &c. But the principle of my amendment, regulating the reduction by the length of time the land may have been in market, is the most safe and proper one; unless prices had been graduated according to quality in the first instance.

Against the present system, the Legislatures and people of the new States have again and again remonstrated. They have year after year, at least for the last ten or twelve, represented to Congress, most earnestly and most respectfully, through their memorials, the injustice and the absurdity of holding all lands, without regarding quality or locality, at the same fixed price. They have urged investigation into the operation of the system, not only in the mode alluded to, but through their representatives on this floor; but no investigation before this House has yet been permitted. Is it not due to these young States, which have so long and so earnestly entreated the Government to reduce the price of its lands, to give, at least, a deliberate hearing to the proposition I have offered? Is the request, that we may be heard, unreasonable? Or is the plan of graduating the price of land, somewhat according to value, so abhorrent, as to be repelled at first sight? I cannot believe that any one would be so reckless as to assert or maintain the abstract proposition, that all lands, rich or poor; that sandy pine barrens and river low grounds; or that sterile mountains and fertile plains, ought to be placed on the same footing as to price. Yet a refusal to vary the price in accordance with such considerations, and, still more, a refusal to consider the policy and propriety of such variation, amounts to nothing less. It appears from official returns of the registers and receivers of the different land offices in 1828--and I adverted to the fact, when I had the honor to submit some remarks upon the subject early in the session--that more than eighty millions of acres had then been offered in the market, and remained unsold. I then estimated the probable quantity now remaining unsold, at one hundred millions. That estimate was founded, in some degree, on conjecture; but it is now ascertained, by the report of the Commissioner of the General Land Office, made on the 22d January, of the present year, that the quantity remaining in that situation on the 31st December, 1831, was 104,407,755 acres! Why does this vast amount of land remain in the market unsold? For the obvious reason that it is not worth the price the Government asks for it; no reasonable man can doubt the fact. As regards the State of Alabama, I can speak from personal knowledge--the country has been always improved in advance of the public sales. In the county of Jackson alone, a county which I have the honor to represent, there were from 1,700 to 1,800 freemen actually settled before the first foot of land was offered for sale. Owing to these considerations, produced by the inviting freshness of our new lands more than their superior fertility, very few tracts, if any, can be found unsold, that are worth $1 25 per acre after being offered at public sale. If all our exertions to obtain a reduction of the price of this inferior description of land have been unavailing heretofore, what may we expect, what can we hope, when each of the older States becomes directly interested in the amount which she is, separately, to receive out of the proceeds? If their representatives refuse to mitigate the rigor of the system, when the proceeds are to go into the treasury of the United States, merely in aid of the general revenue, to be used for the common benefit, will they relax when these funds are to relieve their constituents from taxation, for the support of their State Governments, and for all local purposes? No, sir. If our prospects for an amelioration of the system have been heretofore gloomy, they would then be utterly hopeless. We should have no more laws to relieve from distress and impending ruin, communities or individual purchasers. We might abandon, in despair, all idea of future pre-emption laws. The claims of the settler, whose labor may have given value to the soil, would be totally disregarded, when, perhaps, his destruction and overthrow might be attended by the gain of a few cents more per acre. It is surely unnecessary for me to inculcate upon the intelligent representatives of

* At a public dinner, on the birthday of Mr. Jefferson.

the American people, the duty and policy of protecting and cherishing the man who sits down under the vine which has been planted and nurtured by his own care and toil. I need not urge the wisdom of converting transient wanderers into freeholders and happy and independent citizens of the republic. The House cannot be prepared to retard the growth and prosperity of the new States, by withholding the public domain from the hardy settlers, who would be permanent citizens; and giving them, in their stead, an itinerant and comparatively worthless population.

Sir, the present system operates most unfavorably and most severely on the class of people who are most entitled to the protection of the Government—the poor, but honest, industrious, and enterprising settler. This class of men cannot compete at land auctions with the wealthy planter, or the rich speculator. A settler of this description goes into the wild, subdues a little spot, and reduces it to cultivation, by the sweat of his brow. It thence becomes dear to him. But soon an auction comes; the rich capitalist comes forward, with his thousands and tens of thousands, and bids off this little spot, so endeared to him, over his head; and acquires the power of driving him and his family from their humble home. What alternative remains for this unfortunate man? The poor privilege of removing to some tract of inferior land, perhaps not worth 25 cents per acre, and too worthless to attract the attention, or excite the avarice, of his more powerful competitor. Yet, for land of this description, he must give $1 25 per acre, or obtain no permanent interest in the soil. Is this sound policy? Is it wise? Is it just? I am sure, sir, it is neither. It is a policy injurious in the highest degree to the interests of the Government, and grossly oppressive to those who have the highest claims to its protection and indulgence.

Mr. C. said he had thought the gentleman from Kentucky, [Mr. WICKLIFFE,] at the head of the Committee on the Public Lands, would have opposed this bill.

[Mr. WICKLIFFE here rose to explain. He had intended to offer an amendment to the bill, but the gentleman from Illinois [Mr. DUNCAN] had anticipated him, and the House had expressed its will against adopting the amendment. Mr. W. said he thus found himself in a strait betwixt two--either to leave the lands as they were, or to uphold the speculator: he preferred the former.]

Mr. C. said he was not satisfied with the gentleman's explanation—the gentleman had not accounted for the change in his sentiments. Last session that gentleman made (what was called at the time) a very able report, going directly against every principle of this bill. The report was an able and conclusive response to the whole doctrine of its friends. But now the gentleman has changed his course. His apology seems to me wholly inadmissible. It would have been much better for him to have said, "*Tempora mutantur, et nos mutamur cum illis.*" The amendment of the gentleman from Illinois, to which the gentleman from Kentucky alluded, did not propose any graduation of price. But even since the commencement of the present session, the gentleman from Kentucky, from a minority of the Committee on the Public Lands, of whom he was one, reported an amendment to the bill No. 402 of the House, embracing the principle of this bill, so far as regards distribution, and accompanying it with provisions for graduating the price of public lands, substantially as my amendment proposes. The gentleman would have sustained his character for consistency much better, if he had at least offered this amendment. [For extracts from the report of Mr. WICKLIFFE, above alluded to, see note at the end.]

Sir, if any thing can render the plan of distribution, proposed in the bill, tolerable to the new States, it will be to accompany it with the principle of graduation. It is true that it would not remove the objections arising out of a breach of our compacts with the States, or a violation of the constitution, but it would render the measure less obnoxious to the charge of inexpediency and injustice. On another occasion, during the present session, the gentleman from North Carolina [Mr. WILLIAMS] seemed to think I had asked a total surrender of the lands to the States in which they lie. As I have before had no opportunity of reply, I will avail myself of this occasion to correct the gentleman, and do myself justice. I asked for no such thing. What I insisted upon was, that the Government should sell the land for what it was worth, reducing the price from time to time; and, when sales could no longer be made sufficient to indemnify for the expense of the system, to abandon the lands which were thus proved to be worthless to the States. And I still maintain that this is the true and proper course of policy. The several States having land to dispose of, have sold it, in the first instance, at very moderate prices, have subsequently reduced them to such as were merely nominal, and, finally, granted them by way of donation. Although they received less money for their lands, they have found an ample equivalent in the character of their population, and the improvement of their resources. All the European Governments that have owned territory on this side of the Atlantic have pursued a similar, or even more liberal policy with their domain. Such ought to be the policy of every wise and parental Government: our own stands a solitary exception.

Speaking in reference to this subject, the President has said, in his late annual message, "It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil." To such sentiments, I think, every patriot and every philanthropist should respond with a cordial approbation. Of this class of our citizens, none deserve more favor from the Government than those honest and resolute pioneers who have opened the way for the settlement and improvement of our almost illimitable western regions; those who have defended our frontiers at the peril of their lives; and who have, by their adventurous daring, given to the history of the country an air of romance.

Sir, I am exhausted, though the subject is not. The feeble state of my health must be my apology. I can only add my most earnest hope that the amendment I have offered may prevail.

The following are extracts from the report of Mr. Wickliffe, alluded to in the foregoing speech. (See report at large.)

"The public lands should not be, they have not been, regarded as a profitable source of revenue to the Federal Government; nor should they be converted into the means of wealth to the several States. They should be fostered and disposed of by the National Government, in such manner, and upon such terms, as will be subservient to the building up of great and flourishing communities, whose members, when interested in and attached to the soil, will give physical strength and moral force to the nation. * * * * *

"The reduction of the revenue derived from the sales of the public lands, to be effectual and beneficial, must be made in the price at which they are to be sold. If the amount now received into the treasury be not required for the purposes of the Federal Government, (and such seems to be a conceded fact,) the committee are of opinion it would be a better mode to rid the National Treasury of this unnecessary and dangerous influx of public money, to reduce the price of the public domain, (and thereby render the acquisition of a home easy to all in every condition of life,) than to sell the lands to the younger States, if they were willing to buy, and able to pay. * * * * *

"Whilst the General Government shall continue to derive a revenue from the sales of public lands, it may be expected, at least it should be hoped for, that, in some mode, a sum of money equal to the exactions for the public lands, will be thrown back by the public disbursements in those States so much affected by this constant drain of their circulating medium. * * *

"Can it be believed that, when the proceeds arising from the sales of the public lands shall become the separate property of the States, according to any ratio of division which will be agreed upon, the amount derived annually from the debtor by the creditor States, either for interest or principal, will be returned into circulation among those States thus made tributary? * *

"This difficulty and complaint of the new States with and against the General Government, will only be transferred to the several States who become the receivers, and, instead of peace, concord, and harmony among the States, we may expect to witness discontent and discord, bitter and unceasing. * * * *

"In connexion with this subject, the committee have been called upon to consider the policy (so often the subject of debate in the House of Representatives) of dividing the proceeds of the public lands among the several States. This is a question surrounded by more difficulty and embarrassment, and one upon which the committee were unable to unite in opinion. A majority of the committee, however, believe that any pledge or disposition of the proceeds of the public lands among the States, for State purposes, before the money shall have reached the treasury of the United States, would be unwise, and productive of incalculable injury to the States whose growth and prosperity so much depend upon the amelioration of the present system of disposing of the public lands by Congress. Pledge the proceeds to the States for State purposes, and all hope of further relief will be cut off. The new States may then calculate to 'pay the penalty of the bond, yea, even the pound of flesh.' * *

"The power of the General Government to make this distribution may be well questioned. Those who contend for such distribution of the proceeds derive the power from the grants of the several States to the United States, and from the second section of the fourth article of the constitution of the United States. A recurrence to these grants, and an examination into the terms employed, and the objects intended by them, may not be unprofitable in conducting the mind to a correct judgment upon the subject. * * * *

"A further reduction in the price of the public lands ought to be made: the people in the new States look for it, and desire it. A reduction of the revenue of the General Government must take place: they regard the price which the Government exacts from them, for the public lands, as a tax, and a heavy tax. They have submitted to it cheerfully, because it was needed to discharge the obligations of their Government. When the whole amount now derived from the sales of public land, united with the other revenues of the Government which will be collected under any possible modification of the tariff, will not be required for the wants and purposes of the Federal Government, can it be just that the same shall be exacted from the West by the action of the Federal Government, to be given to the older and more opulent States, to be expended in those States for education, internal improvement, or general emancipation? Such a policy would be unjust and intolerable." * *

Mr. MARDIS obtained the floor, and addressed the committee for about an hour in opposition to the bill, and in favor of the amendment proposed by Mr. CLAY.

Mr. PLUMMER next obtained the floor, and held it until 10 o'clock, in a speech directed against the bill, and in support of the amendment. Repeated attempts were made to induce him to resume his seat, and the House was frequently in a state of extreme confusion and disorder.

Mr. POLK, who was in the chair, earnestly remonstrated, and implored the House to be mindful of its own dignity, and, however anxious they might be to act upon the bill, to respect the constitutional right of the member from Mississippi to be heard.

Mr. PLUMMER said that, when he rose, he had been prepared for interruption and insult, but should not be intimidated from the discharge of his duty.

Mr. ROOT called Mr. PLUMMER to order, as having reflected in an offensive manner upon the House.

The CHAIR, however, pronounced him to be in order, inasmuch as he had not said that the insult, to which he alluded, was intended or offered by the members of the House.

Mr. PLUMMER having at length concluded his remarks, the question was taken on Mr. CLAY's amendment, which was rejected without a count.

Mr. CLAY offered it again, as an additional section to the bill. It was again negatived.

Mr. MASON, of Virginia, moved an amendment, the effect of which would be, that the whole expense of survey and sale of the land, and of the salaries of all officers connected therewith, including the expense of the General Land Office, should be deducted before the proceeds of the land should be distributed. This amendment was also rejected; when,

On motion of Mr. WICKLIFFE, the committee rose, and reported the bill and amendments to the House.

In the House, the amendments were read, and concurred in, with the exception of Mr. WICKLIFFE's proviso, which he himself, after examination, thought ought not to be adopted, inasmuch as the contingency for which he had intended it, would not exist.

Mr. MASON again pressed the amendment he had offered in committee.

It was supported by Mr. LEWIS, and opposed by Mr. WICKLIFFE; when

Mr. STEWART demanded the previous question, (which cuts off all pending amendments.)

The demand being seconded, Mr. MASON called for the yeas and nays.

They were ordered, and the previous question was thereupon put, and carried: Yeas 91, nays 46.

The main question, on ordering the bill to its third reading, was then agreed to.

The bill was read a third time, and the question being on its passage, it was decided by yeas and nays, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Arnold, Babcock, Banks, Noyes Barber, John S. Barbour, Barringer, Barstow, Beardsley, Briggs, Bucher, Bullard, Burd, Eleutheros Cooke, Bates Cooke, Cooper, Corwin, Coulter, Crane, Crawford, Creighton, Daniel, John Davis, Dearborn, Denny, Dewart, Dickson, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Gilmore, Grennell, Hiland Hall, Hiester, Hodges, Hogan, Hughes, Huntington, Ihrie, Irvin, Jenifer, Joseph Johnson, Kavanagh, Kendall, Kennon, Adam King, Henry King, Kerr, Leavitt, Letcher, Marshall, Maxwell, McCarty, Robert McCoy, McKennan, Mercer, Milligan, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Potts, Randolph, John Reed, Root, Russel, Augustine H. Shepperd, Slade, Smith, Southard, Stanbery, Stewart, Sutherland, Taylor, Philemon Thomas, John Thomson, Tompkins, Verplanck, Vinton, Wardwell, Washington, Watmough, Wilkin, Elisha Whittlesey, Frederick Whittlesey, Edward D. White, Wickliffe, Williams—96.

NAYS—Messrs. Alexander, Archer, Ashley, Barnwell, Bethune, John Blair, Boon, Cambreleng, Carr, Chinn, Claiborne, Clay, Coke, Duncan, Felder, Gordon,

Griffin, William Hall, Hawkins, Horn, Isacks, Jarvis, Richard M. Johnson, Lecompte, Lewis, Lyon, Mardis, Mason, William McCoy, McIntire, McKay, Plummer, Roane, Sewall, Standifer, Wiley Thompson, Ward, Campbell P. White, Worthington—40.

So the bill was passed, and returned to the Senate.

[It was now near 11 o'clock; when,]

On motion of Mr. VERPLANCK, the House went into Committee of the Whole on the state of the Union, Mr. TAYLOR in the chair, and took up

THE HARBOR BILL,

[Making appropriations for carrying on certain works, heretofore commenced, for the improvement of harbors and rivers, and also for continuing and repairing the Cumberland road, and certain territorial roads.]

Mr. COKE moved that the committee rise, believing the House to be too much exhausted to proceed.

The motion was promptly negatived, and the committee proceeded to read and amend the bill.

The most important of the amendments were, an item of twenty-five thousand dollars for the continuation of surveys, under the act of 1824, and thirty-four thousand dollars for the repairs of the Cumberland road in Virginia.

Various attempts were made to insert provisions in this bill for new surveys, and the commencement of new works, but they were all promptly rejected.

The bill was then laid aside, and the committee took up the

GENERAL APPROPRIATION BILL

FOR THE EXPENSES OF GOVERNMENT FOR THE YEAR 1833.

On the subject of the expenses of the General Land Office, Mr. WICKLIFFE said that the Committee on the Public Lands had not been able, for want of time, to complete the investigation of the concerns of that department; but, from the progress they had made in it, he was fully convinced that the Commissioner had made an improper application of the funds placed in his hands.

Mr. VERPLANCK proposed an item to cover certain arrearages which had improperly accrued in the land office. He did it with great reluctance, and merely because the United States must, of course, pay debts contracted by its authority. But the expenditure had the decided disapprobation of the Committee of Ways and Means.

Mr. WICKLIFFE concurred in this sentiment, and hoped that this instance might prove a warning to all subordinate officers in the Government against exceeding the limit of the expenses they were authorized to incur.

A good deal of discussion was had in respect to extra clerks in that department, and the great amount of its contingencies.

Mr. VERPLANCK proposed an allowance of thirty-four thousand dollars for extra clerk hire in the Post Office Department, which was promptly negatived; sixty-five thousand dollars was provided for completing the survey of the Choctaw lands, sixteen thousand for the Creek cession, and eighty thousand for that of the Chickasaws.

Mr. WASHINGTON moved to insert an item of two hundred and fifty thousand dollars to enable the corporation of Washington to pay up its subscription to the stock of the Chesapeake and Ohio canal. This amendment was negatived, with the understanding that it was to be renewed in the House.

The bill was then laid aside, and the committee took up a bill appointing a clerk to sign the name of the President to land warrants, which was agreed to without amendment; when the committee rose, and reported the bill to the House; and [a little after 1 o'clock in the morning]

The House adjourned.

SATURDAY, MARCH 2.

BANK OF THE UNITED STATES.

The following resolution, reported yesterday by the Committee of Ways and Means, coming up for consideration,

"*Resolved*, That the Government deposites may, in the opinion of the House, be safely continued in the Bank of the United States"—

Mr. POLK said he hoped that gentlemen who believed the time of the House, at this period of the session, to be necessarily valuable, would not press the consideration of this resolution upon the House at this juncture. During the small remainder of the session, there were several measures of the highest public importance which remained to be acted on. For one, he was extremely anxious that the session should close by 12 o'clock to-night, in order that a sitting upon the Sabbath might be avoided. He would not proceed in expressing his views until he should understand from gentlemen whether they intended to press the House to a vote upon this resolution. [A remark was made by Mr. INGERSOLL, which was not heard distinctly by the reporter.] Mr. P. proceeded. As it had been indicated that gentlemen intended to take a vote upon the resolution, he would ask whether it was possible for the members of the House to express their opinions on this subject with an adequate knowledge of the facts. The Committee of Ways and Means had spent nearly the whole session in the examination of one or two points connected with this subject. The range of investigation had been, of necessity, much less extensive than the deep importance of the subject required; but, before any opinion could be properly expressed, it was important that the facts developed by the committee should be understood. There had been no opportunity for this, and there was no necessity for the expression of a premature opinion unless it was considered essential to whitewash the bank. If the friends of the bank deemed it indispensably necessary, in order to sustain the bank, to call for an expression of opinion, where the House had enjoyed no opportunity of examining the testimony and proof upon which alone a correct opinion could be formed, he should be compelled, briefly, to present one or two facts to the House. It had been one of the objects of the Committee of Ways and Means to ascertain the circumstances relative to the postponement of the redemption of the three per cent. stock by the bank. With the mass of other important duties devolving upon the committee, as full an investigation of the condition of the bank as was desirable could not be expected. The committee, therefore, had been obliged to limit their inquiries to this subject of the three per cents.; the other subjects of investigation were only incidental. Upon this main subject of inquiry the whole committee, majority as well as minority, were of opinion that the bank had exceeded its legitimate authority, and had taken measures which were in direct violation of its charter. He would read a single sentence from the report of the majority, which conclusively established this position. In the transactions upon this subject, the majority of the committee expressly say, in their report, that "the bank exceeded its legitimate authority, and that this proceeding had no sufficient warrant in the correspondence of the Secretary of the Treasury." Could language be more explicit? It was then the unanimous opinion of the committee, upon this main topic of inquiry, that the bank had exceeded its legitimate authority, and that its proceedings relative to the three per cents. had no sufficient warrant in the correspondence of the Secretary of the Treasury. The Bank of the United States, it must be remembered, had been made the place of deposite for the public revenues, for the purpose of meeting the expenditures of the Government. With the public money in its vaults, it was

bound to pay the demands of the Government. Among these demands upon the public money in the bank, was that portion of the public debt of which the redemption had been ordered. Had the bank manifested a willingness to pay out the public money in its possession for this object? On examination of the evidence it would be found that, as early as March, 1832, the president of the bank, without the knowledge of the Government directors, had instituted a correspondence with certain holders of the public debt, for the purpose of procuring a postponement of its redemption. There was, at that time, no cholera which could be charged with giving occasion to the correspondence. When public notice had been given by the Secretary of the Treasury of the redemption of the debt, the president of the bank immediately came to Washington, and requested that the redemption might be postponed. And what was the reason then assigned by the president of the bank for this postponement? Why, that the measure would enable the bank to afford the merchants great facilities for the transaction of their business under an extraordinary pressure upon the money market. What was the evidence upon this point? The proof distinctly showed that there was no extraordinary pressure. The monthly statements of the bank established that there was, in fact, a very considerable curtailment of the facilities given to the merchants in the commercial cities.

Mr. WICKLIFFE rose to a question of order. The subject under consideration was a resolution declaring that the bank was a safe place of deposite for the public revenue. He submitted whether it was in order to discuss upon this resolution the redemption of the three per cent. stock.

The CHAIR (temporarily occupied, in the absence of the Speaker, by Mr. TAYLOR) decided that the remarks of the gentleman from Tennessee [Mr. POLK] were in order.

Mr. POLK proceeded. The gentleman from Kentucky [Mr. WICKLIFFE] appeared to be very sensitive upon this subject. It was not long since that gentleman, in a toast given at the Jefferson dinner, expressed the most decided hostility to the bank. He would leave to that gentleman to explain the reasons which had produced the sudden change of his opinions, and from a violent opponent had converted him into a most zealous advocate of the bank. What was the object of explaining this matter of the three per cent. stock? Not to waste the time of the House, which was now so precious, but to show that the management of the bank relative to the three per cents. distinctly proved that the bank was not able to pay the public money deposited in its vaults for the redemption of the public debt without obtaining a loan from abroad. The minority of the Committee of Ways and Means had not disputed the ability of the bank to discharge its debts in its own convenient time; but had the bank promptly paid the public money deposited in its vaults when called for? As early as October, 1831, the bank had anticipated that during the course of 1832 it would not be allowed the undisturbed and permanent use of the public deposites. In the circular orders to the several branches which were then issued, the necessity was stated for collecting the means for refunding those deposites from the loans which were then outstanding. Efforts were made by the branches of the West to make collections for that object; but those efforts entirely failed. The debts due upon loans made by the Western branches had not been curtailed. It was found impossible to curtail them. As the list of discounts had gone down, the list of domestic bills of exchange had gone up. The application before alluded to was made in March to Mr. Ludlow, of New York, who represented about 1,700,000 of the public debt to postpone its redemption. This expedient also failed. Then the president of the bank came to Washington for the purpose of procuring the postponement of the period of redemption, upon the ground that an extraordinary pressure existed, and the public interest would be promoted by enabling the bank to use the public money in affording facilities to the merchants of the commercial cities. And what next? In July, the president of the bank and the exchange committee, without the knowledge of the head of the treasury, or of the board of directors of the bank, instituted a secret mission to England, for the purpose of negotiating in effect a loan of five millions of dollars, for which the bank was to pay interest. The propriety or object of this mission was not laid before the board of directors, and no clue was afforded to the Government. Mr. Cadwalader went to England upon this secret mission. On the 1st of October the bank was advised of the arrangement made by Cadwalader, by which it was agreed, in behalf of the bank, to purchase a part of the debt of the foreign holders, and to defer the redemption of a part. Now, it was well known to every one who had taken the trouble to read the charter of the bank, that it was expressly prohibited from purchasing public stock. On the 15th October it was discovered that Cadwalader had exceeded his instructions. This discovery by the bank took place immediately after the circular letter of Baring, Brothers, & Co., of London, announcing that the arrangement had been published in one of the New York papers. This circular gave the first information to the Government, or to any one in this country, as far as he was advised, excepting the exchange committee of the bank, of the object of Cadwalader's mission. In the limited time which could now be spared for this discussion, it was impossible to go through the particulars of this scheme. It would be seen, on examination of the transaction, that the bank had directly interfered with the redemption of the public debt, for the obvious reason that it was unable to refund the public deposites. The cholera was not the ground of the correspondence with Ludlow. It was not the cholera which brought the president of the bank to Washington, to request the postponement of the redemption of the debt; nor was it the cholera which led to the resolution of the exchange committee of the bank to send Cadwalader to England. The true disorder was, the impossibility in which the bank found itself to concentrate its funds and diminish its loans. It had been stated in the report of the majority of the committee, that the certificates of the greatest portion of the three per cents. had been surrendered. It had been said that there was now less than a million of this debt outstanding. In point of fact, it would seem, from the correspondence, that between one and two millions of the debts of which the certificates had been surrendered, had been paid by the bank becoming debtor to the foreign holder instead of the Government. The directors appear to suppose this has not been the case, but the correspondence shows that the certificates have been sent home under this arrangement. After this brief explanation of the conduct of the bank in relation to the public deposites, he would ask whether it was necessary to sustain the credit of the bank by adopting this resolution. Is it supposed, because a majority of the House were friendly to the institution, that it is necessary for them to declare the opinion expressed in this resolution on faith, and faith alone? He had no desire that the resolution should be negatived. If he was compelled to vote on the resolution, he should vote against it; but he was willing that Congress should defer the expression of its opinion until the facts upon which it must be founded are understood. This opinion could make no difference as to the duty of the Government. Whenever the Secretary of the Treasury shall deem the public deposites unsafe in the bank, it is made his duty to withdraw them, and to lay his reasons before Congress. The previous opinion of the

House, especially an opinion expressed without means of examination, neither takes from nor adds to the responsibility of the Secretary of the Treasury. Pressed as the Committee of Ways and Means have been with their various duties, they had, at a late period, called for the correspondence of the bank in September, October, and November, in order to ascertain, as far as might be practicable, by that means, the condition of the debts due to the bank in the West. What had been seen in this correspondence? That such had been the condition of one of the Western branches, great alarm had been felt as to its power of going on, and prompt assistance had been necessary to prevent its stopping payment.

Mr. WICKLIFFE inquired what branch the gentleman referred to.

Mr. POLK. That at Lexington, Kentucky.

Mr. WICKLIFFE said, any difficulties in which that branch had been involved, had arisen from its accommodations to Jackson politicians.

Mr. POLK. Jackson politicians! The member from Kentucky can best answer to his constituents what sort of Jackson politicians have been accommodated by the bank. Much had been said in certain quarters of the persecution of the bank, and of the malice of the administration towards that institution. The whole crime of the administration is the demanding the public money from the bank for the purpose of paying the public debt. As to the condition of the Western debt, about which so much had been said, and which was represented to have been so much reduced, it will be found that the principal reduction consists in what Mr. Cheves called race-horse bills. The old debt is paid by drawing a new bill, payable in a different place. When that bill becomes due, it is paid by another of a similar character. Unless these successive discharges and creations of debt diminish its aggregate amount, it will be found that very little, if any curtailment has taken place.

The hour allotted to morning business having expired,

Mr. J. BATES moved the orders of the day.

Mr. INGERSOLL expressed a hope that the debate would be permitted to proceed.

Mr. BATES then withdrew the motion.

Mr. POLK resumed. It was no fault of his that the report of the committee had come in at so late a period. He felt it to be his duty to offer a very brief exposition of the reasons why he did not regard it as proper for the House to express its opinion upon this subject without any opportunity for examination. The facts collected by the committee would go forth, and every man could then form his opinion. He would move to amend the resolution by striking out the whole after the word "resolved," and inserting "that the committee be discharged from the further consideration of the subject." He would not pursue the discussion while so many important subjects pressed upon the House on the last day of the session. Whatever might appear to be the condition of the bank at a superficial glance, a careful scrutiny of its measures and its affairs would satisfy any impartial mind that its condition was not that which had been represented by its zealous friends. Without dwelling upon the particulars, he would sum up his objections to the resolution in its present form, by stating that the bank had unwarrantably interfered with the arrangements of the Government in reference to a great national object. In this, both the majority and minority of the committee had agreed. The secret of this interference would never have been disclosed, but from the accidental publication of the circular of the Barings, addressed to the European holders of the three per cents. The correspondence which had now for the first time been drawn from the bank was most material and important in the decision of the question, and was until this time entirely unknown either to the Treasury Department or to the House. He could have hoped that the friends of the bank would not have pressed the resolution. Had it been properly in order, he would have adverted to the manner in which the bill relative to the sale of the bank stock had been treated—and all reply to the arguments of those who opposed it prevented by the previous question. He enjoyed the satisfaction of having endeavored to discharge his duty to the country in relation to this subject. Should he live, he trusted to be able to contribute something further towards the development of the transactions of this institution. From what had already been disclosed, it appeared that the most important business of the bank is exclusively transacted by the committee of exchange appointed by the President of the bank, and under his immediate direction. That this committee makes no report of its proceedings to the board of directors, and that none of the directors appointed in behalf of the United States are members of this committee. It appeared to him to be the most consummate folly to go through the ceremony of appointing directors for the purpose of protecting the public interest, while these directors are excluded from all knowledge and participation of the more important transactions of the bank. He would appeal to the House whether we ought to be satisfied with the management of an institution so deeply connected for good or evil with the great interests of the country in which those appointed to guard the public interest are totally deprived of all means of knowledge of its leading measures.

Messrs. McDUFFIE and INGERSOLL rose simultaneously. The former gentleman was named by the Chair. Mr. McD. then remarked that he would give way to the member of the Committee of Ways and Means.

Mr. INGERSOLL, of Connecticut, said, the gentleman from Tennessee [Mr. POLK] who had just addressed the House, could not regret more than he did, the late period at which this question is presented. But who were chargeable with the delay? Not, certainly, the bank, nor any of its friends. No sooner was this subject referred, and the news of it had reached Philadelphia, than Mr. Biddle addressed a letter to the chairman of the Committee of Ways and Means, respectfully offering every facility to the proposed investigation, and inviting the utmost latitude of search. There had been also constant and untiring efforts made to bring the report forward earlier in the session, that it might receive the action of the House before the adjournment. The friends of the bank, he repeated, were the last who should be held responsible for the tardy movements now complained of.

Mr. POLK here rose, and said that he had asked but for the postponement of a single day, to enable him to complete the minority report. That was refused, but the chairman having accidentally left the majority report at his lodgings, the delay he had requested was obtained.

Mr. INGERSOLL resumed. It was not that to which he alluded. An effort had been made a week ago to have the report made; the examination of witnesses was then closed, and our labors were about to be submitted to the House, as he supposed, when, to his surprise, the gentleman from Tennessee asked for delay, to send to Philadephia for further correspondence, which would necessarily require some time to have copied, and but for this we should have had the subject before us several days since, with ample opportunity for the fullest examination, and the freest debate. Then, as to the witnesses summoned, they were nearly all brought before the committee on the motion of the gentleman from Tennessee. He took his own course; every body was examined whom he saw fit to send for, as was certainly right and proper. He [Mr. I.] did not complain of this, but surely we ought not now to be responsible for this course, since, in consequence of it, the report has been kept back to the heel of the session.

Mr. POLK said he had called for the examination of

no one, excepting the directors appointed by the Government, and General Cadwalader.

Mr. INGERSOLL. Gentlemen had summoned whom they pleased: he [Mr. I.] had called not a single witness. He was willing to trust the scrutiny to the hands of the opponents of the bank—let them probe it to suit themselves. All he asked was, when they were done, that they would permit the House to pass its opinion, and send the whole to the people for their ultimate decision. For himself, he must confess, he was sick of seeing reports sent forth, unaccompanied by any opinion of either House of Congress upon them. The people have been surfeited with such papers: we have had majority reports, and minority reports, and what an honorable member from South Carolina, [Mr. W. R. Davis,] he believed, called unicorn reports, but they all brought us to no practical result, so long as they were not acted on by the House. They filled the flying folios of the newspapers of the day, or crammed the mails in the shape of public documents during the recess, without benefiting any class of our citizens much, except the legions of speculators, moneyed and political, who sometimes turn them to a profitable account. It was time that these matters were treated in a different way—that the representatives of the people should now act. This resolution, he rejoiced to see, had something tangible in it: it invites us to speak out, and to say, under the solemnity of our oaths, whether the Government deposites ought to be continued where they now are, and have been in safety for the last seventeen years, or whether they shall be carried into the market, to be bid for by the local institutions. Will gentlemen now turn from this inquiry the moment we have reached it, and tell us that it does not belong to us; that it ought not to be settled before we separate? Have we then been employed all winter, in our committee room, to no purpose? Or, have we been working, day and night, merely to raise a smoke for political effect, at the end of the session, under which a new set of majority and minority reports are to be launched upon the public, still leaving the opinion of the House on these grave matters unrevealed? Has not Congress been directly called upon, and from high authority, too, to express an opinion? Did not the Secretary of the Treasury, in his annual financial report, invite it? and was not the subject brought to our view in the Executive message, at the opening of the session? We have not sought for this inquiry, but we cannot shun it, with credit to ourselves, since it has been put to us.

What, then, is the condition of the Bank of the United States, as a place of safe deposite, compared with the other banking institutions of the country? From the evidence now spread before the House, he would assert with confidence that it was decidedly more sound than the State banks, to which the funds must go, if taken from their present place of deposite. Nay, from an exhibit lately made of the affairs of the Bank of England, it will be seen that the United States Bank, in proportion to its capital, is the strongest of the two, applying the same tests to the comparative statements of each. Let us see how these different institutions appear by each other's side. The Bank of the United States has now about nine millions of specie, to a circulation of about seventeen millions and a half. All the local banks in the Union, combined, have but between ten and eleven millions of specie to a circulation of about sixty-eight millions. The Bank of England, by its latest returns, had, speaking in dollars, about twenty-six millions of specie to a circulation of about ninety-millions. And yet, with facts like these staring us in the face, it is gravely suggested that the deposites would be in less danger of being squandered if removed to the local banks, with their circulation six times beyond the specie in their vaults; ay, sir, to local banks, which left you saddled with a certain "unavailable fund" of nearly a million and a half, when you used them as places of deposite on a former occasion. The banks of the State of New York would probably come in for a larger share of the Government deposites than those of any other States, for there the greatest portion of the revenue is collected; and let us see how they stand. It appears by an official statement, recently published by sworn commissioners, that they have but about $1,700,000 in specie, to a circulation of about twelve millions: and it will further appear, by the evidence reported, that at the time when those banks had but this inconsiderable amount of specie on hand, they were indebted to the United States Bank more than two millions of dollars, which might have been called for at any day, thus draining them of every specie dollar.

Will any man, can any man, with these statements before him, say that the safety of the public funds requires their removal to the local banks? It was in vain to blink this question by going into the extraneous matter of the three per cent. arrangement, which had been now nearly brought to a close. The Secretary has put the question to us in regard to the safety of the bank as a place of deposite for the public money, and we are bound at all events to respond to that. But if gentlemen are determined to rake up the three per cent. affair, he was willing to meet them there also; for he believed that transaction, from beginning to end, to have been fair, prudent, and honorable, and intended much more to aid the mercantile community, especially those indebted to the Government on custom-house bonds, than for any particular accommodation to the bank itself, except so far as it might be benefited by shielding its customers, and the local banks too, from an unusual and unnecessary pressure. Much stress had been placed on the mission of General Cadwalader to Europe. It had been called a secret mission, unauthorized by the board of directors, and particularly without the knowledge or authority of the Government directors. Now, sir, it is an undeniable fact, that early in the spring of 1832, in the month of March, at a regular meeting of the board, at which two of the Government directors, residing in Philadelphia, were present, (the third being accidentally in the country,) the President submitted his views in relation to paying off the three per cents. in the course of the year, more than one-half of which he stated belonged to foreigners, the withdrawal of whose funds might possibly expose the community to great inconvenience, unless some measure should be taken for deferring a part of the payments; after which it was, by the board,

"*Resolved*, That the subjects of the communication just made by the President, be referred to the Committee on Exchange, with authority to make, on behalf of the bank, whatever arrangements with the holders of the three per cent stock of the United States may, in their opinion, best promote the convenience of the public, and the interests of the institution."

This resolution is recorded in the books of the bank; it was passed in the presence of two of the Government directors, and at the next meeting of the board was read over in their presence, and in the presence of the third Government director, who had then returned to the city. There was no secrecy in all this. The record had been always open, as the books of the bank always were, to the inspection of every director, and every Government spy who might have a right to examine them. One of the directors on the part of the Government belonged to the very exchange committee to whom the subject had been referred. He alluded to Nicholas Biddle, who had for several years, and under different administrations till January last, been appointed a director by the Government. And although, since this controversy has arisen in regard to renewing the charter, Mr. Biddle had been cast off by the administration, yet he was an honorable and

an honest man, and no one on this floor would say to the contrary. This committee, thus organized, and thus fully empowered, as has been shown by the board, to make all the arrangements which they might see fit, in regard to the payment of the three per cents., sent General Cadwalader to England, as he had been entrusted with a similar mission under the presidency of Mr. Cheves, and through his agency a portion of the European holders of three per cents. have agreed to give up their certificates to the Government, thus clearing the United States from any further liability, and taking the house of Baring & Co. of London, in whose hands the bank has ample funds, as security for their money, which they will receive with interest in October, 1833. By this arrangement the business men of our country, who are debtors to the bank, have not been disturbed in their usual accommodations, though their discounts must have been materially curtailed, and the local banks pressed in their turn too for balances, had these foreigners all been paid at the counter of the bank, on this side of the Atlantic--and the result to the Government (the certificates being surrendered) is the same as if the specie had been shipped abroad in exchange for the stock certificates. So high is the credit of this institution in Europe, as appears by the correspondence, which had not been received at the time the directors appeared before the committee, and therefore is not in the evidence reported, that some of the foreign holders have refused to take the money, and insisted on the bank's keeping it at an interest of only three per cent. till next October, under a previous offer. They have, however, while doing this, surrendered their certificates so as to exonerate the treasury from any liability to them. The bank had the funds in Europe in the hands of its agents, to pay them off, and through its agent made a tender of the money, which the holders declined taking. Let it be remembered, too, that when General Cadwalader embarked, it was wholly uncertain whether the condition of the treasury would enable the Secretary to pay off the debt advertised to be paid, without obtaining money for this favorite purpose of the Secretary, from this same much abused bank. Mr. I. said he wished the House to mark, and the country to know, that on the 19th of last July, the Secretary addressed a letter to the president of the bank, stating that if the funds of the United States should happen to be inadequate to the redemption of the three per cents., he must rely on the bank for the necessary facilities. Here is the letter of Mr. McLane; that there shall be no mistake about it, you shall have its very language. It is dated, Treasury Department, 19th July, 1832, and reads thus:

"Sir, it was not until to-day that I have been able to ascertain the amount of the appropriations made at the last session of Congress, and therefore I have not been able to decide before now upon the amount of the three per cents. to be redeemed on the 1st of October. I find, as was supposed when you were here, that we shall be able to pay off about two-thirds at that time. A notice will accordingly be given in to-morrow's paper for the payment of that amount on the 1st of October, and the remaining one-third on the 1st of January. This has been done with the understanding had between us, that if it should happen that the public moneys are insufficient to complete those payments, the bank will delay the presentation of any certificates of which it may have the control until the funds are sufficient to meet them, the interest to be paid by the United States during the interval."

Yes, sir, the Treasury Department was arranging with the bank, if the state of the public funds should require it, to hold back the stock certificates, which the Secretary had invited in by an official advertisement, and which he was bound to pay when presented. All this was very right in the high officer at the head of the treasury; but it is a mighty offence when the bank, through its agent, proposes an arrangement, not more exceptionable certainly, with the original holders of the certificates in Europe. We can make a flourish about paying off the national debt, while the Secretary of the Treasury has at the same time a private understanding with the bank to "delay the presentation" of the stock certificates which it may happen to hold, even if "interest is to be paid by the United States during the interval;" but if the bank proposes to allow interest to the European stockholders, though their certificates should not be delayed, but surrendered up, that is a very different affair; it so shocks the sensibility of the Secretary, notwithstanding he penned the letter of 19th July, that he sends the matter to us, as a grave subject for inquiry, and hints a doubt as to the safety of his deposites. Now, sir, the bank had precisely the same right to come to the arrangement with the European stockholders, even if it had been agreed with them to "delay the presentation" of their certificates, as Mr. Secretary McLane had to come to an understanding with the bank to "delay the presentation" of any certificates within its control, on being paid the interest. The Secretary is not the United States, nor the Government—he is but a high and honorable public servant, and the bank is an humble one. When, therefore, gentlemen ask what authority the bank had to do what it has done, let them first tell us where and how does the accuser of the bank, the Secretary of the Treasury, obtain the power to do what he has done. It is true he did not have to resort to the bank, as things turned out, for funds to enable him to meet his payments; nor did it become necessary for the bank to "delay the presentation" of the certificates; but that does not vary the right of either to enter into their respective arrangements. If the Secretary's letter of 19th July, recognising the understanding to "delay the presentation" of the certificates when the funds might fall short, has worked no harm, neither has the arrangement of the bank agent worked any harm in regard to the three per cents.; for more of those certificates have been actually paid off and surrendered to the treasury than would have been had no movement been made about them. It may be a little curious to know how the Secretary had met these payments without resorting to the bank for aid. Mr. I. said he had looked into this matter, and believed the business had been done in this way. The Secretary had taken moneys that had been appropriated by Congress to other objects, the unsatisfied appropriations, so called, and applied them to the payment of the public debt. The annual report on the finances had informed us that there were due from the treasury about five and a half millions of dollars for unsatisfied appropriations; nearly the whole of this amount had been taken by the Secretary, and applied towards the extinguishment of the funded debt. Besides this, Congress at the last session granted pensions to the gallant remnant of our revolutionary worthies who had not received the benefit of former laws—thus providing for a debt which, above all others, should have been promptly discharged, inasmuch as it had been already long delayed. There would be due to these men, according to the estimate of the Secretary of War, sent to us early in the session, about four millions of dollars, including the arrearages. This was over and above the five and a half millions of unsatisfied appropriations before referred to. There has not been force enough in the Pension Office to pass upon these claims as promptly as it was supposed they would have been, and as he [Mr. I.] thought there ought to have been; and consequently but a moderate amount had been disbursed on their account prior to the 1st of January. What was not paid to these venerable men, but would have been had there been force enough in the offices to examine and decide upon their claims, had been also turned over to swell the payments of the funded debt. He

did not say there had been fault in this, but there was hardly a member of Congress who has not his drawer at this moment filled with letters from these men, many of them decrepit, and bowed down by the frosts of eighty winters, complaining that they have not yet been able to receive what Congress granted to them eight months ago, and beseeching their representatives to aid them in procuring the little pittance to comfort them in this inclement season. Many of them have stood at the Pension Office "like shivering beggars at a bolted door," while we, in this gorgeous hall, are boasting of having paid off the debts of the revolution. If these claims had been paid within six months from the time Congress had authorized them to be paid, it was evident that the Secretary of the Treasury could not have accomplished his payments of the public debt, even taking to his aid the five and a half millions of other unsatisfied appropriations, unless he had resorted to a temporary loan, or had relied on the bank to "delay the presentation" of the certificates, allowing interest for the accommodation. Mr. I. said he should not undertake to decide how far it was proper in a Secretary of the Treasury to take money which has been once appropriated, before the appropriation is satisfied, and apply it to a different object, even though that object be the payment of the public debt. It is a power which Congress does not ordinarily exercise: we do not grant compensation for a horse lost in an Indian fight on the frontiers, without expressly providing that it is to be paid "out of any money in the treasury not otherwise appropriated." And can the head of a department do what Congress cannot, or does not?

Mr. POLK wished to understand whether the gentleman from Connecticut contended that the commissioners of the sinking fund had no authority to order the redemption of more than ten millions of the public debt in one year. He had understood they were expressly authorized to go to any extent beyond that sum that the condition of the treasury could authorize.

Mr. INGERSOLL. The standing appropriation to the sinking fund is ten millions annually; perhaps this should be satisfied in preference to other appropriations, but, during the last year, about seventeen millions have been applied; and this excess over the ten millions cannot be applied by the commissioners, unless there is a surplus to that extent in the treasury. But does the gentleman from Tennessee call money already appropriated to one object, and for which the treasury is liable, a surplus? Is money due to revolutionary pensioners a surplus, which may be taken to sink the funded debt? It was not so understood by that distinguished statesman, so often alluded to, and never mentioned but with the most profound respect, the lamented Lowndes, who had, for several years, stood at the head of the Committee of Ways and Means. He was for always retaining in hand at least two millions of dollars, not in the ragged trash of broken banks, but of sound money, over and above the sums appropriated for the service of the year. The policy of his masterly mind is delineated in an act which he penned, and carried through Congress in 1817, for the redemption of the public debt—an act which ought to stand as one of the most enduring monuments of his fame. You will see by it what he meant by a surplus. The third section provides, "That, in addition to the sum of ten millions of dollars, hereinbefore annually appropriated to the sinking fund, there shall be appropriated, for the year 1817, the further sum of nine millions of dollars, to be paid out of any moneys not otherwise appropriated, at such time within the year as the Secretary of the Treasury shall deem most conducive to the public interest, to be applied, by the commissioners of the sinking fund, to the purchase or redemption of the public debt." The surplus here transferred to the sinking fund, for that year, is expressly limited to "money not otherwise appropriated."

The fourth section of the same act directs, "That, after the year 1817, whenever there shall be, at any time after the adjournment of Congress, in any year, a surplus of money in the treasury, above the sums appropriated for the service of such year, the payment of which to the commissioners of the sinking fund will yet leave in the treasury, at the end of the year, a balance equal to two millions of dollars, then such surplus shall be, and the same is hereby, appropriated to the sinking fund, to be paid at such time as the situation of the treasury will best permit, and shall be applied by the commissioners thereof to the purchase or redemption of the public debt."

It is true that this fourth section of Mr. Lowndes's act, reserving two millions in the treasury beyond the appropriations for the service of the year, has been since, very unwisely, as he [Mr. I.] believed, repealed by a law which originated in the Senate in 1830. That law (the act of 1830) authorizes the Secretary, whenever the treasury shows a surplus of funds, "to cause such surplus to be placed at the disposal of the commissioners of the sinking fund, and the same shall be applied by them to the reimbursement or purchase of the principal of the public debt, at such times as the state of the treasury will best admit."

You can, therefore, under this act, take the two millions which Mr. Lowndes's prudence would have reserved, if the Secretary so wills it; but still you can take nothing that is not "surplus;" and what is meant by surplus, has been already shown by the act of 1817 to be money in the treasury above the sums appropriated.

Mr. POLK wished to know whether there was not, on the 1st of October, three millions in the treasury, and on the 1st of January, seven hundred thousand dollars over and above all claims, of every description, upon the treasury, and unavailable funds.

Mr. INGERSOLL. No; not of legitimate funds belonging to the United States. On the 1st of January the treasury was scraped to the bottom. There was on hand about seven hundred thousand dollars of money received from the Danish Government for spoliations on our commerce, which belonged to American merchants, for whom it had been recovered; and, within a few days afterwards, the greater part of that, as he had been informed, had been expended, leaving only a little over one hundred thousand dollars beyond the amount of warrants issued; and the whole of that would have vanished long before if the pensioners of the revolution had been generally attended to, and their claims allowed, to say nothing of the five and a half millions of unsatisfied appropriations outstanding against the treasury at the close of the last year.

Mr. BOON now moved the orders of the day, which the House refused.

Mr. INGERSOLL then said, after the great indulgence he had received, he felt that he could not better repay the kindness of the House, just manifested by its vote, than by declining to take up more of its valuable time on this the last day of the session, though there were other topics on which, under other circumstances, he would be desirous of being heard. He preferred the House should act rather than listen to him; he would, therefore, before he sat down, move for the previous question on the resolution; and, as we have had a speech from each side, he hoped the motion would be sustained by common consent, that we may decide this question at once, and pass on to the other business which must be attended to before the session closes. He accordingly moved the previous question, but withdrew his motion, for the present, at the request of

Mr. McDUFFIE, who said he was aware that this was not the proper period to go into a discussion of this subject; and had it so pleased the honorable gentleman from Tennessee, [Mr. Polk,] he should have been content that the House should have given a silent vote on the resolu-

tion presented to it. He differed from that honorable gentleman as to the propriety of adopting it. He believed that it was not only right, but that, under the circumstances of the case, it was the solemn duty of the House to express their opinion as to the proposition contained in the resolution. What! were they to be told that the disposition of the public revenue of the country was a question for a Secretary of the Treasury? That officer had, indeed, a limited discretion, enabling him to take the public deposites out of any bank during the recess of Congress, his act to be subject to the judgment of the Congress at its following session. It was Congress, and not the Secretary, that was to be the judge where the funds of the nation should be placed.

Who had brought this question before Congress? Was it the bank? No; it was the President of the United States: it was the Secretary of the Treasury: and they had presented the subject in a form which made it the solemn duty of the House to pronounce its opinion on the grave and weighty matter submitted to it. But the gentleman from Tennessee had asked the House, very gravely, whether they were prepared to pronounce judgment against the administration, and against all who voted with him on this subject. Ah! Was the administration then on its trial before that House and the country? So that, if the House should declare that the National Bank is a safe place of deposite for the funds of the Government, it was to be viewed as a condemnation of the President and his Secretary? Mr. McD. knew of no principle on which such a conclusion rested, than this, that the greater the truth, the greater the libel. When the House declared that the bank was a safe place of deposite for those funds, it spoke the truth. None dare to say that it was not the truth, the whole truth, and nothing but the truth. And had Congress come to that pass, that they dare not tell the truth to the American people, because the President and his Secretary had expressed a different opinion, and that without the shadow of foundation? Mr. McD. had been utterly astonished that any department of this Government should have expressed so extraordinary an opinion as that the national deposites were not safe in the Bank of the United States. He solemnly declared that, through every period of the investigation which had taken place, he had had but one opinion, which was, that, in the whole civilized world, there did not exist a bank more perfectly competent to meet all its engagements, and which better fulfilled all the ends for which it had been created. He would go further, and declare it his opinion that there was no such bank in the world, and no such currency in existence any where. No Government had received such facilities from any bank whatever as the American Government had constantly received, and was still receiving, from the Bank of the United States. While the bank had funds in its possession to pay all its debts, meet its whole circulation, and all its other engagements of every kind, and had, moreover, forty-two millions of dollars for its stockholders, that Government should tell the people that their deposites were not safe there, and that Congress must not have the firmness and justice to declare to the contrary? It was most extraordinary. Were they to make every question a party question? Must every man be exactly in the vein of the President and his Secretary? Was the House to be held as making an attack upon the President because it told the truth—a truth which the gentleman from Tennessee would not himself deny? Did the gentleman himself believe, on his conscience, that the Government deposites were not safe in the bank? He did not. There was not a man in the United States, capable of comprehending the subject, who could hold, or would avow such an opinion.

Mr. McD. said he would tell the House, in a few words, the reason why he wished this resolution to pass. He presumed that the President of the United States had made this communication to Congress with a view of getting the opinion of Congress on the question submitted to them. The question was now presented to the House in the shape of a resolution, and he should regard its adoption as perfectly conclusive in a practical point of view. Any administration which, after the expression by Congress of the opinion advanced in this resolution, should withdraw the national deposites from the bank, would deserve, as it would assuredly receive, the execration of the country. Mr. McD. hoped that no gentleman's opinion, as to the constitutionality or unconstitutionality of the bank, would prevent him from expressing his honest conviction as to the state of its affairs.

Mr. McD. would not speak what he thought about this proceeding. He would not say that it was persecution; but he would say that the opinion expressed by the President of the United States and the Secretary of the Treasury was, under all the circumstances, the most pernicious and the most unwarrantable ever put forth by public men. What, in fact, had saved the whole community from one universal wreck? Nothing but the fact that our commercial community possessed too much intelligence to believe what had been told them by the administration. In any other country, such a declaration would have produced a panic, which, however unfounded, must have brought the bank to ruin. Thanks be to God, and to our commercial community, the thing had been but a five days' wonder, and had passed away; and such a declaration, if put forth now from the same source, would have no more influence in the community than if it proceeded from the most insignificant individual in the country.

Mr. McD. said he was anxious till the period should arrive when the public deposites should no longer be subject to the control of the Government. He was anxious to avoid this speculation of funds in market, and the local banks bidding for them. Then gentlemen would see a game worthy to be contemplated by a philosopher. A Secretary of the Treasury, with power to place the public funds wherever he pleased, could control the Government and the people, principalities and powers—all, all would be at his beck; they could not resist him. But God forbid that these funds should be put in market, as a means for political gamblers to make their way to power.

If the deposites were to be taken out of the Bank of the United States, where were they to go? He presumed it required no miraculous inspiration to foretell that they were to go into the banks of New York; and if they did, how would the transaction stand before the eyes of posterity? To take the Government deposites out of a bank possessing more than half of its whole circulation in specie, and place them in banks whose specie capital did not amount to one-seventh of their circulation!

He never could give his assent to this, nor would he countenance any measure which might be seized upon as giving a pretext to do so. After a grave question had been made by the President as to the soundness of the bank, if Congress should say nothing, that officer might conclude, as he had once done in reference to a certain Indian treaty which he had submitted for ratification. The Senate not having acted upon it, he considered himself at liberty to carry it into execution. He might say, "I told Congress that the United States Bank was an unsafe place for the public money; they said nothing to the contrary; silence gives consent; and, therefore, transfer the deposites without further ceremony."

Mr. McD. observed that he wished to say a few words to which he was prompted by a sacred sense of duty: they had reference to the president of the bank, Mr. Nicholas Biddle. He knew that gentleman well; and he conscientiously believed that there did not live a more honest or more honorable man on the face of the earth.

No man in the United States possessed a more thorough knowledge of banking, in all its operations; and never had an institution been managed with more perfect judgment, or more consummate ability, than this had been by him.

As to the issue made up between the Secretary of the Treasury and Mr. Biddle, Mr. McD. had nothing to do with it; but, on the mere question of finance, he would say, that, if the Secretary had taken the advice of Mr. Biddle in reference to the French claims, he would have saved the treasury between eight and nine hundred thousand dollars. The advice of the president of the bank had been asked by the Secretary as to the best mode of drawing for the French indemnities. The advice had been promptly given, viz. that the Secretary's wisest course would be to draw a bill at once, and the bank would purchase it; as, if he postponed it, the rate of exchange would probably be higher. The Secretary had rejected the advice, and postponed drawing until the anticipated rise in exchange had taken place, and then had been much disappointed and displeased because he could not get the same terms from the bank as had been offered him before.

Mr. McD. said that he did not know for what purpose a discussion on the subject of the three per cents. had been brought forward. He would only say that the gentleman from Tennessee had seemed to dwell with emphasis upon an equivocal phrase in the report of the majority of the Committee of Ways and Means, and had labored to show that the committee had declared that the bank had "exceeded its powers." He would give to the House an explanation of the facts which had led to that expression. The agent of the bank had made a contract with the holders of Government securities abroad, which the bank had not authorized him to make. The directors had disavowed the contract. If a disavowal of a contract was to be construed into a transcending of the powers of the bank, the gentleman was welcome to make the most of it. The greater part of this stock, however, was now paid off; little more than a million remained. The gentleman had said that more than a million of dollars had been obtained on condition that the bank would become responsible instead of the Government; and this the gentleman seemed to consider as a going in debt on the part of the bank. But did not the gentleman know that the bank held, in the hands of the Barings, three millions to meet this? They had more money than was sufficient to pay it all, and all the three per cents. outstanding beside.

Mr. McD. concluded by asking what the House was prepared to do with the resolution which was before it. All it called upon the House to say, was, that the deposites were safe in the bank. If any man doubted this, let him say so.

Mr. McD. then (agreeably to the promise he had given when he rose) moved the previous question.

Mr. WAYNE requested him to withdraw it. He referred the gentleman to Mr. Ingersoll; but, while these gentlemen were conversing on the subject,

Mr. WHITTLESEY rose, and, after a word or two, moved the previous question.

Mr. PATTON moved to lay the resolution on the table.

On this motion, Mr. POLK demanded the yeas and nays.

Mr. WAYNE remonstrated, and believed that the motion of Mr. Whittlesey had been out of time, and out of order.

The CHAIR deciding otherwise,

Mr. WAYNE submitted.

The question was then put on Mr. Patton's motion to lay the resolution on the table, and decided by yeas and nays: Yeas 79, nays 96.

So the House refused to lay on the table.

The question then recurred on the motion of Mr. Whittlesey for the previous question.

The motion was seconded by the House: Yeas 86, nays 30.

The previous question was then carried; and the main question, on the adoption of the resolution, was put, and decided by yeas and nays, as follows:

YEAS.—Messrs. Adams, Chilton Allan, Heman Allen, Appleton, Arnold, Ashley, Babcock, Banks, Noyes Barber, John S. Barbour, Barnwell, Barringer, Barstow, Isaac C. Bates, Briggs, Bucher, Burd, Burges, Cahoon, Choate, Claiborne, Eleutheros Cooke, Bates Cooke, Cooper, Corwin, Coulter, Craig, Crane, Crawford, Creighton, Daniel, Davenport, John Davis, Dearborn, Denny, Dickson, Drayton, Draper, Duncan, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Ford, Gilmore, Grennell, Griffin, Hiland Hall, Hawes, Hiester, Hodges, Howard, Hughes, Huntington, Ihrie, Ingersoll, Jarvis, Jenifer, Richard M. Johnson, Kendall, Henry King, Letcher, Lewis, Marshall, Maxwell, Robert McCoy, McDuffie, McIntire, McKay, McKennan, Mercer, Milligan, Muhlenberg, Nelson, Newnan, Newton, Patton, Pearce, Pendleton, Pitcher, Potts, Randolph, John Reed, Rencher, Root, Russel, Semmes, Sewall, William B. Shepard, Stephens, Stewart, Storrs, Sutherland, Taylor, Philemon Thomas, Tompkins, Tracy, Verplanck, Vinton, Washington, Watmough, Wilkin, Elisha Whittlesey, Frederick Whittlesey, Edward D. White, Wickliffe, Williams, Young.—109.

NAYS.—Messrs. Anderson, Angel, Archer, James Bates, Beardsley, Bergen, Bethune, John Blair, Bouck, John Brodhead, Carr, Clay, Clayton, Connor, Dayan, Fitzgerald, Gaither, Gordon, Thomas H. Hall, Harper, Hawkins, Hoffman, Holland, Horn, Hubbard, Adam King, Lecompte, Lyon, Mann, Mardis, Mason, McCarty, Mitchell, Pierson, Polk, Edw'd C. Reed, Soule, Speight, Standifer, Francis Thomas, Wiley Thompson, Wardwell, Wayne, Weeks, Campbell P. White, Worthington.—46.

So the House resolved that the Government deposites may, in the opinion of the House, be safely continued in the Bank of the United States.

The House then took up the general appropriation bill, with the amendments reported from the Committee of the Whole.

Some desultory debate occurred on one or two of the items—particularly on an amendment offered by Mr. E. EVERETT, to extend the franking privilege by giving it to members from the period of sixty days before their entering Congress, to the first day of the Congress succeeding. This amendment was agreed to. The item of thirty-four thousand dollars, for extra clerk hire in the Post Office Department, produced a somewhat sharp debate, in which Messrs. WHITTLESEY and WICKLIFFE opposed, and Messrs. CONNOR and R. M. JOHNSON defended and supported the amendment. A letter of the late Postmaster General was read; and, after some desultory conversation on a few amendments of minor importance,

Mr. HUBBARD demanded the previous question, which was seconded, put, and carried; and the bill was then ordered to its third reading.

The House then took a recess from 4 to 6 o'clock.

EVENING SESSION.

The House were occupied in reading a third time, and passing, some of the appropriation bills, &c.

A joint resolution with an amendment, from the Senate, extending the interpretation of the pension law, occasioned some debate. Mr. WICKLIFFE opposed the resolution, and moved to lay it on the table, but withdrew his motion for Mr. HUBBARD to explain.

Mr. WICKLIFFE further opposed, and Mr. DAVIS, of Massachusetts, advocated the resolution, insisting that pensions ought to run, not only to the proclamation of

peace, but till the day of the disbanding of the revolutionary army, (September, 1783.)

The question being taken on laying the resolution on the table, it was decided in the negative: Yeas 64, nays 73.

The Senate's amendment was then concurred in.

The appropriation bill for the Engineer and Ordnance Departments was amended by inserting an item of nine thousand dollars for the purchase of forty-five acres of land near Watervliet, in the State of New York, and then ordered to its third reading.

A bill increasing the number of passengers, in proportion to tonnage, which vessels may bring into the United States, coming up, Mr. JARVIS moved to lay it upon the table. The motion prevailed: Yeas 74.

The bill empowering the President to change the location of land offices was laid on the table.

The bill giving the assent of Congress to an act of the State of Virginia, on the subject of the Cumberland road, coming up, Mr. ALEXANDER moved to strike out the proviso retaining the jurisdiction of Congress over the road.

The motion was opposed by Messrs. VINTON, McKENNAN, and MERCER, and advocated by Messrs. MASON, ALEXANDER, and CLAY.

Mr. STEWART demanded the previous question.

Mr. CLAY moved to lay the bill on the table. Negatived.

The previous question was seconded, put, and carried; and the main question being put, the bill was ordered to its third reading.

The House, on motion of Mr. DAVIS, of Massachusetts, went into Committee of the Whole on the state of the Union, and, after a struggle in respect to different bills proposed, took up the bill from the Senate, No. 128, to carry into effect certain Indian treaties. It was amended, on motion of Mr. E. EVERETT, by adding a proviso for the valuation of the buildings and improvements of the American board among the Choctaws, and the payment of the balance only. The bill was then ordered to its third reading.

The committee next took up the amendments from the Senate to the general appropriation bill: among these was an item for a custom-house in Baltimore, advocated by Mr. HOWARD, and concurred in; another for a custom-house in Newburyport; another for the investment of the money received from the Government of France under the late treaty, until paid over to the claimants; another allowing the officers of the customs the same income as they would have been entitled to had the tariff act of 1832 not passed; with some others.

The amendments were all concurred in, and the bill ordered to be engrossed.

The committee took up the bill to explain the 18th section of the tariff law of 1832. It was amended in several respects, on motion of Mr. CAMBRELENG, and then ordered to its third reading.

The hardware bill was taken up, and amended, on motions of Mr. STEWART and Mr. ADAMS.

The bill for improving harbors and rivers in the Territories, on motion of Mr. SEVIER, and the light-house bill, on motion of Mr. NEWTON, were considered in committee, amended, and ordered to a third reading.

The committee then rose, and reported the bills to the House. The bill to explain the 18th section of the tariff act occasioned a pretty warm debate; Mr. WICKLIFFE insisting on the proviso he had offered when the bill had formerly been in Committee of the Whole, confining the effect of the bill to goods which would have been entitled to drawback.

Mr. HOFFMAN, Mr. CAMBRELENG, and Mr. WICKLIFFE, supported, and Mr. DAVIS, of Massachusetts, opposed the amendment.

The question being put, it was carried.

The bill was then ordered to its third reading: Yeas 79, nays 47.

When the light-house bill came to its third reading, an ardent contest arose. Mr. LEWIS, of Alabama, vehemently opposed the bill, and threatened to call the yeas and nays on every item of the bill.

Mr. DAVIS, of Massachusetts, and Mr. CAMBRELENG replied, when Mr. LEWIS moved to lay the bill on the table.

The yeas and nays were taken on this motion, and stood as follows: Yeas 44, nays 71. So the House refused to lay the bill on the table.

Mr. HOFFMAN made various inquiries of Mr. CAMBRELENG in relation to the grounds on which the items had been inserted in the bill.

Mr. CAMBRELENG replied, and stated the strictness with which the Committee on Commerce had investigated each item. The amendments were all agreed to, and the bill ordered to its third reading.

[It was near 2 o'clock in the morning.]

Mr. WICKLIFFE moved to suspend the rules, to allow him to move that the House send a message to the Senate, informing them that the House would adjourn at 4 o'clock *sine die*.

But the motion failed.

Mr. WHITTLESEY moved to go into committee on various private bills, which he named. The motion was warmly opposed, but it succeeded.

Mr. WICKLIFFE then moved a call of the House; which motion prevailing, the House was called accordingly, when 116 members answered to their names.

Mr. WICKLIFFE, hoping that this number of members could be kept in the House to do business, moved to suspend the call. It was thereupon suspended.

The bills named were then passed through committee, and reported to the House.

[It was now about 3 o'clock, A. M.]

Mr. HOWARD moved the following resolution, (Mr. TAYLOR having been temporarily called to the Chair by the Speaker:)

Resolved, That the thanks of this House be presented to the Hon. ANDREW STEVENSON, Speaker, for the fairness, dignity, skill, and impartiality with which he has discharged the duties of the Chair during the twenty-second Congress.

The question being put, the resolution was passed *nem. con.*

Mr. SEVIER moved to go into committee on three bills for territorial objects. The yeas and nays were called, and it appeared that only 90 members answered to their names.

From this time until near 5 o'clock successive attempts were made to obtain a quorum to vote on different motions, but in vain.

A little before 5 o'clock a motion was make to appoint a joint committee on the part of the House, to join a committee on the part of the Senate, to inform the President that the two Houses were ready to adjourn.

The question was put, and decided in the affirmative: Yeas 70, nays 19.

Mr. WHITE, of New York, and Mr. POLK were appointed the committee; and in a short time after they returned, and reported that the President had no further communication to make to Congress.

Whereupon, on motion of Mr. BARBOUR, the House adjourned *sine die*.

The SPEAKER then rose, and addressed the House as follows:

GENTLEMEN: I pray you to accept my grateful acknowledgments for this renewed expression of confidence and approbation in the discharge of the official duties of this high office.

I receive it in the same spirit of kindness in which I flatter myself it has been offered, and shall cherish it with feelings of profound respect and the deepest gratitude.

For the last six years it has been your pleasure that the arduous duties of this chair should be assigned to me.

This whole period of service has, as you well know, gentlemen, been distinguished by events well calculated to render this station one of more than ordinary labor and responsibility.

I have zealously and faithfully endeavored to meet this responsibility, and I hope I shall not be deemed arrogant when I say that I feel a proud consciousness that the duties of this high trust have been discharged by me with a single eye to the character and dignity of this House, the interest of my country, and my own honor.

That I have often erred, I most readily admit; but they have been errors of rule and principle, not caprice or passion; and if there has been any apparent rigor or harshness in the Chair, you will do me the justice to believe that it was unintentional and indiscriminate.

If, gentlemen, in moments of excitement and commotion, any thing unkind has occurred between myself and the individual members of the House, let me assure you it has long since passed from my memory, and been forgiven and forgotten.

I have no injuries to complain of, and no memory for them, if they existed; and I shall part with you all, this night, in the spirit of peace and good will.

Before we separate, gentlemen, will you pardon me for a moment in offering a single suggestion.

Our councils, of late, have been greatly divided, and their harmony and peace disturbed.

Our country has been deeply and painfully excited, and the safety and security of the Union itself threatened.

May we not all now hope that the causes of excitement are hourly subsiding and passing off? That peace and harmony and brotherly affection will soon shed their holy, calm, and blessed influences around us; and that our beloved country will again become united, peaceful, and happy?

In assuming this station, some years ago, I took the liberty of then expressing to the House a sentiment which I had long cherished, and which I now seize this fit occasion of repeating from this chair. It is this: that our confederated republic can only safely exist under the influence of wise, equal, and just laws; by the ties of common interests and brotherly affection; a spirit of mutual forbearance and moderation, collectively and individually; and by cherishing a devotion to that liberty and Union secured to us by the blood of our common fathers. These are the stable foundations upon which our liberties and free institutions can alone rest; and God grant they may be eternal. This, gentlemen, in all human probability, is the moment of separation with many, very many of us, forever. Is there one individual present to whose bosom a final separation from those with whom he has been so long and intimately associated, will not cast a painful and bitter pang? If there be, I confess I envy not his feelings.

You will carry with you, gentlemen, my cordial and best wishes for your individual prosperity and happiness, and I pray you to receive this my most affectionate, and, possibly, last farewell.

The Speaker then adjourned the House *sine die*.

APPENDIX

TO THE REGISTER OF DEBATES IN CONGRESS.

TWENTY-SECOND CONGRESS—SECOND SESSION.

List of Members of the Senate and House of Representatives of the United States,

AT THE OPENING OF THE SESSION.

SENATE.

MAINE—John Holmes, Peleg Sprague.
NEW HAMPSHIRE—Samuel Bell, Isaac Hill.
MASSACHUSETTS—Daniel Webster, Nathaniel Silsbee.
RHODE ISLAND—Nehemiah R. Knight, Asher Robbins.
CONNECTICUT—Samuel A. Foot, G. Tomlinson.
VERMONT—Horatio Seymour, Samuel Prentiss.
NEW YORK—Charles E. Dudley, William L. Marcy.
NEW JERSEY—Mahlon Dickerson, T. Frelinghuysen.
PENNSYLVANIA—William Wilkins, George M. Dallas.
DELAWARE—John M. Clayton, Arnold Naudain.
MARYLAND—E. F. Chambers, Samuel Smith.
VIRGINIA—John Tyler.
NORTH CAROLINA—Bedford Brown, W. P. Mangum.
SOUTH CAROLINA—R. Y. Hayne, Stephen D. Miller.
GEORGIA—George M. Troup, John Forsyth.
KENTUCKY—George M. Bibb, Henry Clay.
TENNESSEE—Felix Grundy, Hugh L. White.
OHIO—Benjamin Ruggles, Thomas Ewing.
LOUISIANA—Josiah S. Johnston, George A. Waggaman.
INDIANA—William Hendricks, Robert Hanna.
MISSISSIPPI—George Poindexter.
ILLINOIS—Elias K. Kane, John M. Robinson.
ALABAMA—William R. King, Gabriel Moore.
MISSOURI—Thomas H. Benton, Alexander Buckner.

HOUSE OF REPRESENTATIVES.

MAINE—John Anderson, James Bates, George Evans, Cornelius Holland, Leonard Jarvis, Edward Kavanagh, Rufus McIntyre—7.

NEW HAMPSHIRE—John Brodhead, Thomas Chandler, Joseph Hammons, Henry Hubbard, Joseph W. Harper, John W. Weeks—6.

RHODE ISLAND—Tristam Burges, Dutee J. Pearce—2.

MASSACHUSETTS—John Quincy Adams, Nathan Appleton, Isaac C. Bates, George N. Briggs, Rufus Choate, H. A. S. Dearborn, John Davis, Edward Everett, George Grennell, jr., Joseph G. Kendall, Jeremiah Nelson, John Reed.

VERMONT—Heman Allen, William Cahoon, Horace Everett, William Slade—4.

CONNECTICUT—Noyes Barber, William W. Ellsworth, J. W. Huntington, Ralph I. Ingersoll, William L. Storrs, Ebenezer Young—6.

NEW YORK—William G. Angel, G. S. Barstow, Joseph Bouck, William Babcock, John T. Bergen, John C. Brodhead, Samuel Beardsley, John A. Collier, Bates Cooke, C. C. Cambreleng, John Dickson, Charles Dayan, U. F. Doubleday, William Hogan, Michael Hoffman, F. G. Jewett, John King, G. Y. Lansing, James Lent, Job Pierson, Nathaniel Pitcher, E. H. Pendleton, Edward C. Reed, Erastus Root, Nathan Soule, John W. Taylor, P. L. Tracy, G. C. Verplanck, Frederick Whittlesey, Samuel J. Wilkin, G. H. Wheeler, C. P. White, Aaron Ward, Daniel Wardwell—34.

NEW JERSEY—Lewis Condict, Silas Condit, Richard M. Cooper, Thomas H. Hughes, James F. Randolph, Isaac Southard—6.

PENNSYLVANIA—Robert Allison, John Banks, Geo. Burd, John C. Bucher, Thomas H. Crawford, Richard Coulter, Harmar Denny, Lewis Dewart, Joshua Evans, James Ford, John Gilmore, William Heister, Henry Horn, Peter Ihrie, jr., Adam King, Henry King, Joel K. Mann, H. A. Muhlenberg, T. M. McKennan, Robert McCoy, David Potts, Andrew Stewart, Samuel A. Smith, Philander Stephens, Joel B. Sutherland, John G. Watmough—26.

MARYLAND—B. C. Howard, Daniel Jenifer, John L. Kerr, Charles S. Sewell, B. I. Semmes, John S. Spence, Francis Thomas, G. C. Washington, J. T. H. Worthington—9.

DELAWARE—John J. Milligan—1.

VIRGINIA—Mark Alexander, Robert Allen, William S. Archer, William Armstrong, John S. Barbour, Thomas L. Bouldin, N. H. Claiborne, Robert Craig, Joseph W. Chinn, Richard Coke, jr., Thomas Davenport, William F. Gordon, John Y. Mason, Lewis Maxwell, Charles F. Mercer, William McCoy, Thomas Newton, John M. Patton, John J. Roane, A. Stevenson—20.

NORTH CAROLINA—D. L. Barringer, Laughlin Bethune, John Branch, Samuel P. Carson, Henry W. Connor, Thomas H. Hall, James McKay, Abraham Rencher, William B. Shepard, A. H. Shepperd, Jesse Speight, Lewis Williams—12.

SOUTH CAROLINA—Rob. W. Barnwell, James Blair, Warren R. Davis, William Drayton, John M. Felder, J. R. Griffin, Thomas R. Mitchell, George McDuffie, William T. Nuckolls—9.

GEORGIA—Thomas F. Foster, Henry G. Lamar, Daniel Newnan, Wiley Thompson, Richard H. Wilde, James M. Wayne—6.

KENTUCKY—John Adair, Chilton Allan, Henry Daniel, Nathan Gaither, Albert G. Hawes, R. M. Johnson, Joseph Lecompte, Chittenden Lyon, R. P. Letcher, Thomas A. Marshall, Christopher Tompkins, C. A. Wickliffe—12.

TENNESSEE—Thomas D. Arnold, John Bell, John Blair, William Fitzgerald, William Hall, J. C. Isacks, Cave Johnson, James K. Polk, James Standifer—9.

OHIO—Joseph H. Crane, Eleutheros Cooke, William Creighton, jr., Thomas Corwin, James Findlay, William W. Irwin, William Kennon, H. H. Leavitt, William Russel, William Stanbery, John Thompson, Joseph Vance, Samuel F. Vinton, Elisha Whittlesey—14.

LOUISIANA—Henry A. Bullard, Philemon Thomas, Edward D. White—3.

ALABAMA—Clement C. Clay, Dixon H. Lewis, Samuel W. Mardis—3.

INDIANA—Ratliff Boon, John Carr, Jonathan McCarty—3.

ILLINOIS—Joseph Duncan—1.

MISSOURI—William H. Ashley—1.

MISSISSIPPI—F. E. Plummer—1.

DELEGATES.

MICHIGAN—A. F. Wing.

ARKANSAS—A. H. Sevier.

FLORIDA—J. M. White.

MESSAGE

OF THE PRESIDENT OF THE UNITED STATES TO BOTH HOUSES OF CONGRESS,

At the commencement of the Second Session of the Twenty-second Congress.

Fellow Citizens of the Senate and House of Representatives:

It gives me pleasure to congratulate you upon your return to the seat of Government, for the purpose of discharging your duties to the people of the United States. Although the pestilence which had traversed the Old World has entered our limits, and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity, and lessen the number of its victims, compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents, on every side, marks of prosperity and happiness, unequalled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and, with hearts of thankfulness to that Divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve and hand down to posterity that liberty and that union which we have received from our fathers, and which constitutes the sources and the shield of all our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the satisfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce, and to grant none. It is daily producing its beneficial effect, in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation, and the extension of our mercantile operations. The returns which have been made out since we last met, will show an increase, during the last preceding year, of more than 80,000 tons in our shipping, and of near forty millions of dollars in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you—a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered father of his country, on this subject, condensed into a maxim for the use of posterity, by one of his most distinguished successors, to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world, and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a faithful performance of the duties incumbent on us as a neutral nation, and our citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence, the most friendly relations have subsisted through the late revolutions of its Government, and, from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a monarch to the throne, who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the adjustment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain, I have the satisfaction to inform you that I continue to receive assurances of the most amicable disposition, which have, on my part, on all proper occasions, been promptly and sincerely reciprocated. The attention of that Government has latterly been so much engrossed by matters of a deeply interesting domestic character, that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recall of our Minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would endanger the good understanding which it is the interest of both parties to preserve inviolate, cemented, as it is, by a community of language, manners, and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions, and for that system of representative Government which has enabled us to preserve and improve them.

The question of our Northeastern Boundary still remains unsettled. In my last annual message, I explained to you the situation in which I found that business on my coming into office, and the measures I thought it my duty to pursue for asserting the rights of the United States before the Sovereign who had been chosen by my predecessor to determine the question; and, also, the manner in which he had disposed of it. A special message to the Senate in their Executive capacity, afterwards brought before them the question, whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory, and advised me to open a further negotiation, the proposition was immediately made to the British Government: but the circumstances to which I have alluded, have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort, on my part, will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place, it was discovered that some of these demands, however strong they might be upon the equity of that Government, were not such as could be made the subject of national interference. And, faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent to modify our demands so as to embrace those only on which, according to the laws of nations, we had a strict right to insist. An inevitable delay in procuring the documents necessary for this review of the merits of these claims, retarded this operation, until an unfortunate malady which has afflicted his Catholic Majesty, prevented an examination of them. Being now, for the first time, presented in an unexceptionable form, it is confidently hoped the application will be successful.

I have the satisfaction to inform you that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to the Havana, has produced a royal order for their delivery, and that measures have been taken to procure its execution.

By the report of the Secretary of State, communicated to you on the 25th June last, you were informed of the conditional reduction obtained by the Minister of the United States at Madrid, of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part, by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties in the continental ports of Spain than are levied on their national vessels.

The demands against Portugal for illegal captures in the blockade of Terceira, have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three instalments. The first of these has been paid; the second, although due, had not, at the date of our last advices, been received, owing, it was alleged, to embarrassments in the finances, consequent on the civil war in which that nation is engaged.

The payments stipulated by the Convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants, as soon as the Board now sitting shall have performed their functions.

I regret that, by the last advices from our Chargé d'Affaires at Naples, that Government had still delayed the satisfaction due to our citizens; but, at that date, the effect of the last instructions was not known. Despatches from thence are hourly expected, and the result will be communicated to you without delay.

With the rest of Europe, our relations, political and commercial, remain unchanged. Negotiations are going on, to put on a permanent basis the liberal system of commerce now carried on between us and the Empire of Russia. The treaty concluded with Austria is executed by His Imperial Majesty with the most perfect good faith; and, as we have no diplomatic agent at his court, he personally inquired into, and corrected, a proceeding of some of his subaltern officers, to the injury of our Consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities, and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed; but, on the representation of our Chargé d'Affaires, it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black Sea, and of all the ports belonging to the Turkish Empire and Asia, on the most perfect equality with all foreign nations.

I wish, earnestly, that, in announcing to you the continuance of friendship, and the increase of a profitable commercial intercourse with Mexico, with Central America, and the States of the South, I could accompany it with the assurance that they all are blessed with that internal tranquillity and foreign peace which their heroic devotion to the cause of their independence merits. In Mexico, a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce; but both parties profess the most friendly disposition towards us. To the termination of this contest, we look for the establishment of that secure intercourse, so necessary to nations whose territories are contiguous. How important it will be to us, we may calculate from the fact, that, even in this unfavorable state of things, our maritime commerce has increased, and an internal trade by caravans, from St. Louis to Santa Fe, under the protection of escorts furnished by the Government, is carried on to great advantage, and is daily increasing. The agents provided for, by the treaty with this Power, to designate the boundaries which it established, have been named on our part; but one of the evils of the civil war now raging there has been, that the appointment of those with whom they were to co-operate, has not yet been announced to us.

The Government of Central America has expelled from its territory the party which some time since disturbed its peace. Desirous of fostering a favorable disposition towards us, which has on more than one occasion been evinced by this interesting country, I made a second attempt, in this year, to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose, has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three States which formed the Republic of Colombia has been dissolved; but they all, it is believed, consider themselves as separately bound by the Treaty which was made in their federal capacity. The Minister accredited to the Federation continues in that character near the Government of New Granada; and hopes were entertained that a new Union would be formed between the separate States, at least for the purposes of foreign intercourse. Our Minister has been instructed to use his good offices, whenever they shall be desired, to produce the re-union so much to be wished, for the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations, naturally attendant on an infant reign, have prevailed in the empire of Brazil, which have had the usual effect upon commercial operations; and while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice, than duty to our fellow-citizens would, under other circumstances, have required. But their claims are not neglected, and will on all proper occasions be urged, and, it is hoped, with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message was, at the date of our last advices, still pending, and in a state that would render a publication of the details inexpedient.

A Treaty of Amity and Commerce has been formed with the Republic of Chili, which, if approved by the Senate, will be laid before you. That Government seems to be established, and at peace with its neighbors; and its ports being the resorts of our ships which are employed in the highly important trade of the fisheries, this commercial convention cannot but be of great advantage to our fellow-citizens engaged in that perilous but profitable business.

Our commerce with the neighboring State of Peru, owing to the onerous duties levied on our principal articles of export, has been on the decline, and all endeavors to procure an alteration have hitherto proved fruitless. With Bolivia we have yet no diplomatic intercourse; and the continued contests carried on between it and Peru have made me defer, until a more favorable period, the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships by the inhabitants of a settlement on the west coast of Sumatra, a frigate was despatched with orders to demand satisfaction for the injury, if those who committed it should be found members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed, and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This last was done, and the effect has been an increased respect for our flag in those distant seas, and additional security for our commerce.

In the view I have given of our connexion with foreign Powers, allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe, that this is done

solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this, it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded, to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the Secretary of the Treasury will, in due time, lay before you, will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfil their engagements with the Government, the receipts from customs during the year will exceed the estimate presented at the last session; and, with the other means of the Treasury, will prove fully adequate not only to meet the increased expenditures resulting from the large appropriations made by Congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the Treasury, during the present year, upwards of twenty-eight millions of dollars. The public lands, however, have proved less productive than was anticipated: and, according to present information, will not much exceed two millions. The expenditures for all objects other than the public debt, are estimated to amount, during the year, to about sixteen millions and a half, while a still larger sum, viz. eighteen millions of dollars, will have been applied to the principal and interest of the public debt.

It is expected, however, that, in consequence of the reduced rates of duty which will take effect after the 3d of March next, there will be a considerable falling off in the revenue from customs in the year 1833. It will, nevertheless, be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the first of January next, the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of seven millions of dollars; of which $2,227,363 are not of right redeemable until the 1st of January, 1834, and $4,735,296 not until the 2d of January, 1835. The Commissioners of the Sinking Fund, however, being invested with full authority to purchase the debt at the market price, and the means of the Treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I cannot too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the Legislature of the country for this object, the present administration has devoted to it all the means which a flourishing commerce has supplied, and a prudent economy preserved for the public Treasury. Within the four years for which the people have confided the Executive power to my charge, fifty-eight millions of dollars will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects, will be seen by referring to the liberal provision made during the same period for the support and increase of our means of maritime and military defence for internal improvements of a national character, for the removal and preservation of the Indians, and, lastly, for the gallant veterans of the Revolution.

The final removal of this great burden from our resources affords the means of further provision for all the objects of general welfare and public defence which the constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury, it will be seen that after the present year such a reduction may be made to a considerable extent; and the subject is earnestly recommended to the consideration of Congress, in the hope that the combined wisdom of the Representatives of the People will devise such means of effecting that salutary object, as may remove those burdens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject; and I deem it my duty, on the present occasion, again to urge them upon the attention of the Legislature. The soundest maxims of public policy, and the principles upon which our republican institutions are founded, recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the Government, and necessary to an efficient public service. In effecting this adjustment, it is due, in justice to the interests of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture, essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will permit.

That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country, there is no reason to doubt; and to effect their establishment, there is, perhaps, no American citizen who would not, for a while, be willing to pay a higher price for them. But, for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated, is a temporary and generally incidental protection, which they maintain has the effect to reduce the price, by domestic competition, below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union.

What then shall be done? Large interests have grown up under the implied pledge of our National Legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments, cannot expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country, must be satisfied that the policy of protection must be ultimately limited to those articles of domestic

manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended, by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But beyond this object, we have already seen the operation of the system productive of discontent. In some sections of the republic its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependance and vice which in other countries have characterized the existence of monopolies, and proved so destructive of liberty and the general good. A large portion of the people in one section of the republic declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless, these effects are, in a great degre, exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are nevertheless important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the republic, and with a determination to dispose of it so that none can with justice complain.

It is my painful duty to state, that, in one quarter of the United States, opposition to the revenue laws has risen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the Judicial Authorities of the General Government, it is hoped they will be able peaceably to overcome them by the prudence of their own officers and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow-citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise, rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to Congress, with the suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the General Government to that simple machine which the Constitution created, and of withdrawing from the States all other influence than that of its universal beneficence in preserving peace, affording a uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit, these stocks are of little or no value: as a means of influence among the States, they are adverse to the purity of our institutions. The whole principle on which they are based, is deemed by many unconstitutional; and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the Bank of the United States with a portion of the holders of the three per cent. stock, by which the Government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the Secretary of the Treasury, a surrender of the certificates of this stock may be postponed until October, 1833; and thus the liability of the Government, after its ability to discharge the debt, may be continued by the failure of the Bank to perform its duties.

Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposites in that institution may be regarded as entirely safe; but, as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal Bank, seems called for by the credit which is given throughout the country to many serious charges, impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of Congress, after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution, it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States, for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such a way as best to conduce to the quiet, harmony, and general interest of the American people. In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It cannot be doubted that the speedy settlement of these lands constitutes the true interests of the Republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are every where the basis of society, and true friends of liberty.

In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new States and the powers of the General Government; and, unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the States, than any other cause of discontent; and it is the part of wisdom and sound policy to foresee its approaches, and to endeavor, if possible, to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the National Legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty, on this occasion, to urge it upon your consideration, and, to the propositions which have been heretofore suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy, that the public lands shall cease as soon as practicable to be a source of revenue, and that they be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compact. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil, and the future disposition of it, be surrendered to the States respectively in which it lies.

The adventurous and hardy population of the West, besides contributing their equal share of taxation, under our import system, have, in the progress of our Government, for the land they occupy, paid into the Treasury a large proportion of forty millions of dollars; and of the revenue received therefrom, but a small part has been expended amongst them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have employed the undivided emoluments arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on the subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

In former messages I have expressed my conviction that the Constitution does not warrant the application of the funds of the General Government to objects of internal improvement which are not national in their character, and, both as a means of doing justice to all interests, and putting an end to a course of legislation calculated to destroy the purity of the Government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the acccomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well defined principles ascertaining those objects of internal improvement to which the means of the Nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections, by holding out to people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasury of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the Constitution cannot be devised, which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment; and that there is, therefore, no excuse for the assumption of doubtful powers by the General Government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can, at any time, apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three-fourths of the States, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one-fourth of the States are unwilling to make the grant, its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this Government, as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise, in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the States such an amendment of the Constitution as will define its character and prescribe its bounds. If the States feel competent to these objects, why should this Government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both Governments are the Governments of the people: improvements must be made with the money of the people: and if the money can be collected and applied by those more simple and economical political machines, the State Governments, it will unquestionably be safer and better for the people, than to add to the splendor, the patronage, and the power of the General Government. But if the people of the several States think otherwise, they will amend the Constitution, and in their decision all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the War Department, I refer you to the accompanying report of the Secretary of War.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the Government. A portion of the troops, under Generals Scott and Atkinson, and of the militia of the State of Illinois, were called into the field. After a harassing warfare, prolonged by the nature of the country and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected band dispersed or destroyed. The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions; and it is to be hoped that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the army, and its capacity for prompt and active service. Its several departments have performed their functions with energy and despatch, and the general movement was satisfactory.

Our fellow-citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia system is essential to that security which is one of the principal objects of all Governments. Neither our situation nor our institutions require or permit the maintenance of a large regular force. History offers too many lessons of the fatal result of such a measure not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists, and thus to engage in unnecessary wars, and its ultimate danger to public liberty, will lead us, I trust, to place our principal dependance for protection upon the great body of the citizens of the republic. If, in asserting rights or in repelling wrongs, war should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small army is a nucleus around which such force could be formed and embodied. But for the purposes of defence under ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom, the Government was instituted and supported, will constitute its protection in the hour of danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills, as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification, remedying these defects, and providing for a system of instruction, might not be adopted, is submitted to the consideration of Congress. The Constitution has vested in the General Government an

independent authority upon the subject of the militia, which renders its action essential to the establishment or improvement of the system. And I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defence requires your attention.

I am happy to inform you, that the wise and humane policy of transferring from the Eastern to the Western side of the Mississippi the remnants of our aboriginal tribes, with their own consent and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the Secretary of War, and to the documents submitted with it, you will see the progress which has been made since your last session, in the arrangement of the various matters connected with our Indian relations. With one exception, every subject involving any question of conflicting jurisdiction, or of peculiar difficulty, has been happily disposed of; and the conviction evidently gains ground among the Indians, that their removal to the country assigned by the United States for their permanent residence, furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the State of Georgia, it has been found impracticable, as yet, to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint, and to bring to a termination the difficulties in which they are involved, that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They cannot but have seen in these offers the evidence of the strongest disposition, on the part of the Government, to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance.—They were however rejected, and thus the position of these Indians remained unchanged, as do the views communicated in my Message to the Senate, of February, 1831.

I refer you to the annual report of the Secretary of the Navy, which accompanies this Message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our Navy, presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas, without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels and the buildings necessary to their preservation and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions contained in the annexed report, as well as others heretofore submitted to Congress, are worthy of your attention; but none more so than that urging the renewal, for another term of six years, of the general appropriation for the gradual improvement of the Navy.

From the accompanying report of the Postmaster General, you will also perceive that that Department continues to extend its usefulness, without impairing its resources, or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of Congress to the views heretofore expressed in relation to the mode of choosing the President and Vice President of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views, and with the belief that the modifications suggested on those subjects, if adopted, will contribute to the prosperity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out the defects in the law for punishing official frauds, especially within the District of Columbia. It has been found almost impossible to bring notorious culprits to punishment; and according to a decision of the Court for this District, a prosecution is barred by a lapse of two years after the fraud has been committed. It may happen again, as it has already happened, that, during the whole two years, all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favor of public officers until they go out of office.

The Judiciary system of the United States remains imperfect. Of the nine Western and Southwestern States, three only enjoy the benefits of a Circuit Court. Ohio, Kentucky, and Tennessee, are embraced in the general system; but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, have only District Courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new States were promised equal rights and privileges when they came into the Union, and such are the guarantees of the Constitution. Nothing can be more obvious than the obligation of the General Government to place all the States on the same footing in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication, it is a source of gratification to reflect that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests, we may consider ourselves as just starting in our career, and, after a salutary experience, about to fix upon a permanent basis the policy best calculated to promote the happiness of the people, and facilitate their progress towards the most complete enjoyment of civil liberty. On an occasion so interesting and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations, and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this Government may be so administered as to preserve its efficiency in promoting and securing these general objects, should be the only aim of our ambition; and we cannot, therefore, too carefully examine its structure, in order that we may not mistake its powers, or assume those which the people have reserved to themselves, or have preferred to assign to other agents. We should bear constantly in mind the fact that the considerations which induced the framers of the Constitution to withhold from the General Government the power to regulate the great mass of the business and concerns of the people, have been fully justified by experience; and that it cannot now be doubted that the genius of our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed upon us by the Constitution.

Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest, not calculated to restrict human liberty, but to enforce human rights, this Govern-

ment will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war, and the apprehension of oppression, the free enterprise of our citizens, aided by the State sovereignties, will work out improvements and ameliorations, which cannot fail to demonstrate that the great truth, that the people can govern themselves, is not only realized in our example, but that it is done by a machinery in Government so simple and economical as scarcely to be felt. That the Almighty Ruler of the Universe may so direct our deliberations, and overrule our acts, as to make us instrumental in securing a result so dear to mankind, is my most earnest and sincere prayer.

ANDREW JACKSON.

December 4, 1832.

Documents accompanying the President's Message.

REPORT OF THE SECRETARY OF WAR.

Department of War, *Nov.* 25, 1832.

To the President of the United States:

Sir: In conformity with your instructions, I proceed to lay before you a brief statement of the various operations of this department for the past year, and such suggestions for the improvement of the several branches of the public service, committed to its care, as experience has dictated; and, in executing this task, it is due to the services, exertions, and fidelity, of the officers at the head of the respective bureaus of the department, that I should acknowledge their able assistance, and the important benefits I have derived from their counsel and co-operation in the administration of the concerns of this highly respectable office.

During the past session, the hostile aggressions of the Sac and Fox Indians, upon the borders of Illinois and Michigan, required and received the prompt attention of the Government. The Executives of the States of Missouri, Illinois, and Indiana, and of the Territory of Michigan, co operated zealously and efficiently in the measures of protection. The regular troops in the vicinity of the theatre of hostilities were concentrated under Brigadier General Atkinson, and brought into the field; and the militia of Illinois, and of that part of the Territory of Michigan exposed to danger, promptly repaired to the defence of the frontier. Such was the nature of the warfare and of the country, that it was difficult immediately to protect the long line of scattered settlements, and to bring the enemy to action. As a precautionary measure, and to place the result of the campaign as far beyond the reach of accident as possible, the garrisons at some of the posts upon the seaboard, and upon the lakes, were ordered to Chicago, under the command of Major General Scott, to co operate with the force already employed under Brigadier General Atkinson. The celerity with which these troops moved, is creditable to their character and discipline. One of the companies reached Chicago in eighteen days from Old Point Comfort, a distance, by the route necessarily travelled, of more than eighteen hundred miles; and the movement of the whole was marked by the greatest despatch. Unfortunately, their hopes of being useful to their country were suddenly arrested, when highest, by the appearance of the cholera; and probably few military expeditions have presented scenes more appalling in themselves, or demanding the exertion of greater moral courage. The occasion was met by Major General Scott in a manner worthy of his high character; and the example he gave to the American army in that period of trying responsibility, is not less important, than was his gallant bearing in the presence of the enemy during the late war. His efforts were well seconded by the officers; and no practicable method seems to have been omitted to stay, or to cure, the pestilence. Of about fifteen hundred officers and men of the regular troops ordered to the northwestern frontier, not less than two hundred died by the cholera.

General Atkinson, with the regular troops and militia under his command, pursued the Indians through a country very difficult to be penetrated, of which little was known, and where much exertion was required to procure supplies. These circumstances necessarily delayed the operations, and were productive of great responsibility to the commanding officer, and of great sufferings and privations to all employed in this harassing warfare.

The Indians, however, were driven from their fastnesses, and fled towards the Mississippi, with the intention of seeking refuge in the country west of that river. They were immediately followed by General Atkinson, with a mounted force, overtaken, and completely vanquished. The arrangements of the commanding general, as well in the pursuit as in the action, were prompt and judicious, and the conduct of the officers and men was exemplary. The campaign terminated in the unqualified submission of the hostile party, and in the adoption of measures for the permanent security of the frontier; and the result has produced upon the Indians of that region a salutary impression, which, it is to be hoped, will prevent the recurrence of similar scenes.

The extensive operations rendered necessary by these events, have demonstrated the able organization and efficiency of the various staff departments of the army, and their capacity to meet any exigency which may require their exertions. They have also shown that the *morale* and discipline of the troops are well preserved, and that, whenever or wherever their services may be wanted, the expectations of their country will not be disappointed.

An act of the last session of Congress authorized the raising of six companies of mounted rangers for the defence of the frontiers. Five of these were organized without delay, immediately after the passage of the law; but, owing to the absence of the person selected for the command of the sixth, with the troops employed under General Atkinson, that company was not brought into service during the active portion of the season. It is now, however, filled, and under orders.

I have caused a comparative view to be appended to this report, showing the difference of cost between the maintenance of this corps of rangers, and of a regiment of dragoons. It will be perceived, that the former exceeds the latter by one hundred and fifty-three thousand nine hundred and thirty-two dollars. The rangers costing annually two hundred and ninety-seven thousand five hundred and thirty dollars, and the dragoons one hundred and forty-three thousand five hundred and ninety-eight dollars; an excess of expenditure well worthy of consideration, unless there are circumstances connected with the nature of the duties of these corps, which give to the rangers, as at present organized, a decided preference over the dragoons. It is my conviction that there are no such circumstances, and that a regiment of dragoons would be more efficient as well as more economical. From the constitution of the corps of rangers, and from the short periods of their service, their organization is but little superior to that of the ordinary militia. Every year there must be a great loss of time in the reconstruction of the corps, and in the acquisition of the necessary experience and knowledge. And its constitution is so dissimilar from that of any other branch of the army, that a perfect union of sentiment and action between them can scarcely be expected. The want of these must frequently be injurious to the public service.

Regular cavalry are fully competent to the discharge

of all the duties required of mounted rangers. In celerity of movement, they will of course be equal, and if (which however is doubtful) the rifle is considered the most efficient arm for mounted troops, operating against the Indians, this weapon can be placed in the hands of such cavalry, and they can easily be trained to its use.

Besides other important objects, it is desirable to preserve in our military system the elements of cavalry tactics, and to keep pace with the improvements made in them by other nations. The establishment of a regiment of dragoons would complete the *personnel* of our army, and would introduce a force which would harmonize with, and participate in, the *esprit du corps* so essential to military efficiency, and so easily and certainly created by military principles.

It seems to be now conceded, and it surely may well be, that mounted troops are absolutely necessary for the defence of that part of the inland frontier in contact with the Indian tribes. Our permanent military posts, garrisoned by infantry, exert a moral influence over the Indians, and protect important and exposed positions. But to overtake and chastise marauding parties, and in fact to carry on any serious operations against an Indian foe in the level regions of the West, horsemen are indispensably necessary. Presuming, therefore, that some force of this description will be retained, I have the honor to suggest the propriety of the conversion of the corps of rangers into a regiment of dragoons.

The report of the officer at the head of the Engineer Department, presents a comprehensive view of the operations assigned to the corps under his superintendence, in its three great divisions of fortifications, internal improvement, and military education.

In the construction of the various works of defence upon the maritime frontier, the progress has been as rapid as was compatible with a proper and economical administration of this important duty, and with the numerous calls upon the officers of that department. So much delay and loss are experienced, not only in this branch of the public service, but in almost all others, requiring the disbursement of money, by the late period at which the appropriations are sometimes made, that I am led to introduce the subject here, in the hope that it will engage the attention of Congress. The pecuniary loss is not the only injury, particularly in all the works of fortification and internal improvement. The operations are necessarily discontinued during one part of the working season, and too rapidly prosecuted during another; and the result is, consequently, more or less unfavorable.

The numerical strength of the engineer corps is not now sufficient for the performance of the duties required of its officers. They have all been actively and zealously engaged, and their scientific and practical attainments eminently qualify them for the discharge of the various functions they are performing, whether belonging appropriately to their profession, or assigned to them by this department. For the facts connected with this subject, I refer to the report of the Chief Engineer, contenting myself with observing, that there is no economy in keeping this establishment below the numbers demanded by the exigency of the service. Either the duty will not be performed, as has happened this season in some instances, or, as has happened in others, it will be worse performed, and at a greater expense: for it is impossible to transfer, from civil life, or from other departments of the army, persons possessing the requisite attainments, without previous experience, to ensure science and skill in the execution of these duties, and a system of vigilant supervision in the administration of their fiscal concerns. To acquire these qualifications, time and experience are necessary. And the responsibility imposed by a permanent attachment to the department, and the *esprit du corps* created by it, are both favorable to a more faithful and efficient discharge of the duties appertaining to it. For these reasons, and from the clearest conviction that such a measure is demanded by the public interest, I venture to renew the recommendation contained in my last annual report, for a moderate and gradual increase of the engineer corps, and to express my full concurrence in the views presented by the Chief Engineer upon that subject.

The Military Academy, as will be seen by the report of the Board of Visiters, is steadily pursuing its course of usefulness. As an institution national in its objects, its administration, its support, and its pupils, it merits the fostering care of the Government, and the kind regard of the public. For a series of years, it has undergone the rigid examination of the most respectable citizens, selected from every part of the country, many of whom have arrived there with strong prejudices against it, but all of whom, I believe, have returned with a deep conviction of its importance and admirable management. As a school, where the various sciences, auxiliary to the art of war, are taught, and taught most thoroughly; as a camp of instruction, where the practical duties of the soldier are acquired, and where the difficult art of governing is learned, by learning first the duty of obedience; as a place of deposite, where all the improvements in military knowledge, throughout the world, are ascertained, preserved, and investigated; and as a point of concentration, where young men are brought into friendly contact and emulation, from every part of the Union, and are sent out to defend their country, with their sectional prejudices diminished, and their views enlarged, it is among the most valuable possessions of the republic.

I coincide in opinion with the Board in the suggestions they have made, and commend them to your favorable notice. From personal inspection, I am satisfied that the additions to the buildings, pointed out in the report, are required by the public interest, and that they are essential to the comfort of the professors and pupils, and to a due prosecution of their duties and studies. And, especially, I am impressed with the importance of a proper place of public worship, where all the persons attached to the institution, amounting, with their families, to more than eight hundred individuals, can assemble, and unite in the performance of religious duties. In a christian community, the obligations upon this subject will not be questioned; and the expense of providing a suitable place of worship, especially as a chaplain is maintained there, cannot be put in competition with the permanent advantages of a course of religious instruction to such a number of persons; a large portion of whom are at that critical period which determines whether the future course of life shall be for evil or for good.

The reasons heretofore urged for an augmentation and more efficient organization of the topographical corps, still exist in full force. The duties assigned to that branch of the staff require extensive scientific attainments, together with much experience. They are productive of important advantages, as well in peace as in war; and therefore address themselves with peculiar force to the favorable consideration of the Government. This corps is not sufficiently numerous for the discharge of the duties required of it; and the additional expenditures, rendered necessary by this state of things, exceed the amount demanded by the proposed augmentation. Independently, however, of the absolute economy which would result from the adoption of this measure, it is called for by other and not less forcible considerations. All experience proves that a corps organized upon military principles is more responsible, more efficient, and better governed, than individuals can be, who are united by different and ordinary associations. Causes are put in operation, which necessarily produce emulation, professional pride, and united action. The character of the corps is dear to

every individual, and each becomes identified with its prospects and reputation. Officers temporarily assigned to topographical duties cannot be expected to feel the same interest in the prosecution of these labors which they would do if they were constituent members of the corps, and looking forward to it for advancement in professional standing, as well as in military rank. Many officers, however, are thus occasionally employed, and, were they not so, much of this branch of the public interest would remain unexecuted. An efficient and increased organization, fully adequate to the duties of the corps, may be effected without any addition to the public expenditure. For the details of such a plan, I beg leave to refer to the report of the officer temporarily in charge of that bureau.

There is probably no class of officers under the Government, whose compensation is more inadequate to their services, than that of the medical staff of the army. There are but two grades, surgeon and assistant surgeon, in this corps; and the pay of the former is forty-five dollars, and the pay of the latter is forty dollars per month.

The prospect of gradual and continued promotion, held out to the other officers of the army, is a powerful incentive to good conduct, and, when realized, becomes its just reward. Of this the medical officers are deprived; for the slight difference of rank and pay at present existing is scarcely worthy of consideration. The nature of their profession, requiring time, experience, and pecuniary means, for its acquisition; the responsible and arduous services demanded of them; the relation, not always a pleasant one, in which they stand to the line of the army; and, I may add, in justice to this meritorious class of officers, their general capacity, respectability, and good conduct, entitle them to a higher rate of compensation; and I indulge the hope that their claims will be favorably considered.

In the subsistence of the army an important change has been made, which, I trust, will prove salutary to the health and morals of the troops. In lieu of spirituous liquor, which formerly composed a part of each ration, a commutation was some time since established, by which its value was paid to each soldier in money; but, at the same time, he had permission to purchase this destructive article from the sutler of the post. The regulation you have recently authorized substitutes coffee and sugar for the commutation previously established. Four pounds of coffee and eight pounds of sugar are hereafter to be issued with every one hundred rations. And, at those posts where the troops prefer it, ten pounds of rice are allowed to the same number of rations, instead of the beans which have formed a constituent portion of the subsistence of the soldier. From a comparative estimate furnished by the Commissary General, it appears that this alteration in the component parts of the ration will add but two mills and four-tenths to its cost, and will increase the whole amount of the army subsistence by a sum not exceeding six thousand dollars—an expenditure not to be regarded, when the benefits resulting from it are taken into view. Simultaneously with this arrangement, a regulation was adopted, prohibiting the sale of spirituous liquors by the sutlers to the troops, and its introduction, under any circumstances, into the camps and forts of the United States, with the exception of the hospital stores, and of the quantity necessary to issue under that provision of the law which allows an extra gill to every soldier engaged in fatigue duty. No authority to dispense with this is vested in the Executive, and Congress alone can interpose the necessary remedy. I am satisfied the great cause of public morals, as well as the discipline and efficiency of the army, would be promoted by an entire abolition of these issues; and I cannot but hope that the legislative authority will be exerted for that purpose. An addition of three cents to the sum allowed for extra daily labor, would be more than an adequate pecuniary compensation for the deprivation herein recommended, and would increase, but in a very inconsiderable degree, the public expenditure.

A very partial knowledge of the actual condition of our army, is sufficient to satisfy the most superficial observer, that to habits of intemperance may be traced almost all the evils of our military establishment. These need no enumeration, that an adequate conception may be formed of their nature and consequences. But it is time that an enemy so insidious and destructive were met and overcome; that all palliatives were abandoned; and that a system of exclusion, of entire, unconditional, exclusion, were introduced and enforced. Every just consideration of policy and morality requires this measure, and public opinion is certainly prepared for, and would approve it. I earnestly recommend the subject to your most favorable consideration.

I beg leave to refer you to the accompanying report of the officer in charge of the Bureau of Indian Affairs, for a detailed statement of the operations and condition of that branch of the public service.

Among the southern and southwestern Indians, no event has occurred to disturb the relations existing between them and the United States. The settled policy of the Government to induce the Indians to remove beyond the limits of the respective States and Territories, where this can be done upon reasonable terms, and with their free consent, has been steadily kept in view. The objects and necessity of that policy are so clearly stated in the message of the President of the United States to Congress, of December 2, 1828, that I take the liberty of drawing your attention to those remarks:

"In the practice of European States," says President Adams, "before our revolution, they (the Indians) had been considered as children, to be governed; as tenants at discretion, to be dispossessed as occasion might require; as hunters, to be indemnified, by trifling concessions, for removal from the grounds, upon which their game was extirpated. In changing the system, it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands, than in imparting to them the principles, or inspiring them with the spirit, of civilization. But, in appropriating to ourselves their hunting grounds, we have brought upon ourselves the obligation of providing them with subsistence; and, when we have had the rare good fortune of teaching them the arts of civilization, and the doctrines of christianity, we have unexpectedly found them forming, in the midst of ourselves, communities claiming to be independent of ours, and rivals of sovereignty within the territories of the members of the Union. This state of things requires that a remedy should be provided—a remedy which, while it shall do justice to these unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and of soil. As the outline of a project to that effect, the views presented in the report of the Secretary of War are recommended to the consideration of Congress."

"While some of our citizens," says General Porter, in the very able report here referred to, "who are the advocates of primitive and imprescriptible rights, in their broadest extent, contend that these tribes are independent nations, and have the sole and exclusive right to the property and government of the territories they occupy, others consider them as mere tenants at will, like the buffalo of the prairies, to be hunted from their country whenever it may suit our interest or convenience to take possession of it. These views of their rights and disabilities are equally extravagant and unjust; but, the misfortune is, that the intermediate line has never been drawn by the Government. Nothing can be more clear

to one who has marked the progress of population and improvement, and is conversant with the principles of human action, than that these Indians will not be permitted to hold the reservations, on which they live, within the States, by their present tenure, for any considerable period. If, indeed, they were not disturbed in their possessions by us, it would be impossible for them long to subsist, as they have heretofore done, by the chase, as their game is already so much diminished as to render it frequently necessary to furnish them with provisions, in order to save them from starvation. In their present destitute and deplorable condition, and which is constantly growing more helpless, it would seem to be not only the right, but the duty of the Government, to take them under its paternal care, and to exercise over their persons and property the salutary rights and duties of guardianship.

"The most prominent feature in the present policy of the Government, as connected with these people, is to be found in the efforts that are making to remove them beyond the limits of the States and organized Territories.

"A very extensive tract of country, lying to the west and north of the Arkansas Territory, has lately been set apart for the colonization of the Indians."

"Let such of the emigrating Indians as choose it, continue, as heretofore, to devote themselves to the chase in a country where their toils will be amply rewarded. Let those who are willing to cultivate the arts of civilization, be formed into a colony, consisting of distinct tribes or communities, but placed contiguous to each other, and connected by general laws, which shall reach the whole. Let the lands be apportioned among families and individuals in severalty, to be held by the same tenures by which we hold ours, with perhaps some temporary and wholesome restraints on the power of alienation. Assist them in forming a code of laws adapted to a state of civilization."

"In regard to such Indians as shall still remain within the States and Territories, and refuse to emigrate, let an arrangement be made with the proper authorities of the States in which they are situated, for partitioning out to them, in severalty, as much of their respective reservations as shall be amply sufficient for agricultural purposes. Set apart a tract proportioned in size to the number of Indians to remain, in common, as a refuge, and subject them to all the municipal laws of the State in which they reside. Let the remainder of the reservation be paid for by those who hold the paramount right, at such prices as shall be deemed, in reference to the uses which Indians are accustomed to make of it, reasonable, and the proceeds be applied for the benefit of those of the tribe who emigrate after their establishment in the colony, or be divided between those who emigrate and those who remain, as justice may require."

To the views herein presented, of the condition of the Indians, of the prospects which await them, and of the only efficient remedy in their power to seek, or in that of the Government to apply, I take the liberty of adding my own testimonial, founded on an intimate intercourse with them of eighteen years, both personal and official, under every variety of circumstances, in peace and war, and in very remote regions, as well as within our own settlements. The principles laid down in these extracts are substantially the same as those which now regulate the Government in all their transactions with the Indians, when the question of their permanent establishment or removal is brought under discussion. So far as respects the emigrating Indians, this will clearly appear by reference to the instructions of the Commissioners now engaged in the adjustment of all the unsettled matters connected with the great plan of colonization. With regard, however, to those Indians who refuse to remove, it has not been deemed expedient for the Government, by its own act, either to partition out to them the land necessary for their support, or to decide upon the consideration to be allowed for the residue, and to direct its appropriation. This, so far as regards the General Government, has been, and continues to be, the subject of conventional arrangement, in which the parties, by mutual discussion and compromise of opinion, arrive at a satisfactory result. In these arrangements, where the parties desire it, adequate tracts of land in fee, with "temporary and wholesome restraints" upon the right to sell, are secured to all who desire to remain. That this system of "guardianship" is, however, founded upon a just and intimate knowledge of the Indian character, no one acquainted with that character will question. I need not now inquire whether a practical resort to the principles resulting from it will ever become necessary. If it should, no doubt every arrangement which justice and humanity call for, will be liberally made.

In your message to the Senate, of February 22, 1830, you explained your views of the question of jurisdiction over the Indian tribes living within the respective States and Territories, and stated that, in your opinion, and in the words of the above report, they were "subject to the municipal laws of the State in which they reside," in all cases where such laws were extended over them.

The progress of events, since 1828, has confirmed, if confirmation were wanting, the correctness of these principles, and their adaptation to the actual and prospective condition of the Indians. The circle of civilization and improvement has extended, and various tribes have retired, or are retiring, before it. The experience of the four years which have intervened, does not furnish one consolatory hope that the insulated bands, who have reserved and occupy tracts surrounded by our settlements, can permanently retain these positions, and prosper. There are moral, political, and physical causes, all in operation, which cannot be controlled, and which forbid such an expectation. And, in fact, the whole history of our intercourse with our primitive people teaches no one lesson more important than this; and it will be fortunate for their prosperity, and for our responsibility, if, in its practical application, both parties should become satisfied that the system provided by the act of May 28, 1830, offers the only rational prospect of a durable and happy residence for the Indians. A few individuals, almost always half breeds, and their connexions, engrossing the intelligence and means of each of these small communities, and too often without regard to the rights or fate of others, may become assimilated to our institutions, and eventually planted among us with safety. But this should never be permitted at the sacrifice of more important interests, and to the utter disregard of the fate which awaits the unfortunate mass of these tribes, persuaded, or almost compelled, to remain where they must rapidly decline, and at length disappear. And the causes which enacted this law are not less obvious in their origin, than they are certain in their operation. Their progress is onward; and, regret them as we may and must, no human power can arrest their march, or avert their consequences. The effort has been made for generations, and in every mode that wisdom or philanthropy could suggest; and yet, in not one solitary instance, has it produced any permanent or general beneficial effect. And we may survey our whole cultivated territory in the vain expectation of discovering one aboriginal community, however small, which has withstood the ceaseless pressure of civilization, and which holds out the slightest prospect of moral or physical improvement, or even of eventual subsistence, for the great body of the individuals composing it. If such a community exist, it is unknown to me; and, in fact, if one is believed to exist, it is only by those who are unacquainted with its actual condition, and with the internal history of its wants, its dissensions, and its oppressions.

The act of Congress of May 28, 1830, created a bar-

rier, beyond which the dispersed remnants of our various Indian tribes may be collected and preserved. The provisions of that act are plain, salutary, and comprehensive. It is a solemn national declaration, containing pledges, which neither the Government nor the country will suffer to be violated. It secures to the Indians, forever, the undisputed possession and control of the region allotted to them, and makes such arrangements as are essential to the subsistence, safety, and comfortable establishment of the colonists. No similar attempt has ever been heretofore made, and therefore no unfavorable deductions can be drawn from the failure of preceding efforts, having in view the same general object, but endeavoring to attain it by far different means. No organized government exists, or can exist, to assert jurisdiction over these tribes, and treaties of cession are incompatible with the whole basis of the plan of settlement.

All the testimony before this department concurs in representing the country assigned for a land of refuge, as abundantly extensive and fertile for the support of the Indians, and as presenting in its climate, its animal and agricultural productions, and its general circumstances, features admirably adapted to their situation and wants. Important benefits are anticipated from the act of the last session, authorizing the appointment of commissioners to visit the several tribes west of the Mississippi, and to arrange the various interesting and unsettled questions arising out of the new relations which the system of emigration has created. A majority of these commissioners, it is supposed, is now in that region, engaged in the performance of their duties; but the time which has intervened since their arrival there, has been too short to enable them to communicate to the department the progress and prospects of their mission. The accompanying copy of their instructions will show the general nature of their duties, and the great importance of an able and faithful discharge of them. These duties embrace the settlement of conflicting claims; the arrangement of disputed boundaries; the juxtaposition of kindred bands; the commutation of permanent for temporary annuities; the reconciliation of hostile tribes; the redemption of the solemn pledge of protection offered by the act of May 28, 1830; the establishment of a system of government over them, and of intercommunication among them; and, generally, the examination and suggestion of any topics calculated to improve their condition, and to enable the Government the better to discharge the great moral debt which circumstances and the situation of this helpless race have imposed upon them. Every facility in the power of the Executive has been granted to aid the operations of the commissioners; and it is to be hoped that their report will be full and satisfactory, and that the measures founded upon it will introduce a new era into the history of our Indian intercourse.

In my report of November 21, 1831, I stated it "had been suggested that a considerable portion of the Cherokees were desirous of availing themselves of the provisions of the treaty of May 6, 1828, for their removal." And that, "with a view to ascertain this fact, and to afford them the aid offered by that treaty, if they were inclined to adopt it, a system of operations had been adopted, and persons appointed to carry it into effect." But that "sufficient time to form a judgment of the result of this measure had not then elapsed."

Under this system, about seven hundred Cherokees have claimed the benefit of the treaty of 1828, and have been removed, in conformity with its stipulations, to the country west of the Mississippi. But the operations have, for the present, been suspended. And, until recently, there was reason to hope that their resumption would have been rendered unnecessary by an arrangement for the cession of the whole Cherokee title east of the Mississippi, and for the emigration of that tribe to the country offered for their permanent residence. With this view, the liberal propositions authorized by you were made to them, a copy of which is annexed to this report. It will be seen, by reference to it, that the offers were conceived in a spirit of kindness and liberality, which justified the expectation of their prompt acceptance. They contained ample security for the permanent establishment of the Cherokees, and for the perpetual occupation of the country allotted to them. They provided the means for their moral, social, and political improvement; and they offered all the pecuniary aid necessary to their present and future subsistence and support. Their acceptance would have terminated the difficulties in which the Cherokees are involved, would have united the dispersed portions of the tribe, and would have laid the foundation of their permanent improvement and prosperity. But it will be seen, by the answer which is submitted to you, that this effort has been unavailing, and that, unless there is a change in their councils, no favorable change in their condition can be expected.

The Choctaw treaty of 1830 allowed that tribe three years to emigrate. In 1831, about 5,000 of them removed to their new possessions between the Canadian and Red rivers. They are highly gratified with the climate and country, and satisfied with the exchange they have made. From the returns which have been received, it is estimated that about 7,000 more will cross the Mississippi this season, and the residue of the tribe, amounting to about 6,000, will follow during the next.

General Coffee has succeeded in concluding a treaty with the Chickasaws, which will lead to their entire removal, and to their location in the West. The basis of this treaty is different from any heretofore assumed in our negotiations with the Indians. The whole value of the country ceded is assigned to the Chickasaws, and the United States become in fact trustees to make the necessary arrangements for their benefit.

It is stipulated that the ceded territory shall be surveyed and sold, and the whole proceeds, deducting only the actual expenses, applied to the various objects enumerated, connected with the temporary subsistence, removal, and permanent establishment of these Indians. A residuary fund is to be vested in some productive stock, and the income to be annually appropriated for the public and private objects stipulated in the treaty. A country for the residence of the tribe is to be procured by themselves, and it is probable they will be able to make a satisfactory arrangement for that purpose with the Choctaws, a kindred people, who are in possession of a much larger district than is required by their numbers.

No pecuniary benefit will result to the United States from this treaty; but, should it be ratified, it will constitute an important era in our Indian relations. It will probably lead to the establishment of the principle, that, in future cessions of land, the full value shall be secured to the grantors, with such deductions only as may be necessary to carry into effect the object of the treaties. The advantages to be derived by the United States from these arrangements, will be limited to the removal of the Indians from their present unsuitable residences, and to their establishment in a region, where we may hope to see them prosperous, contented, and improving. And it cannot be doubted but that a course so consistent with the dictates of justice, and so honorable to the national character, would be approved by public sentiment. Should we hereafter discard all expectation of pecuniary advantage in our purchase from the Indians, and confine ourselves to the great objects of their removal and re-establishment, and take care that the proceeds of the cessions are appropriated and applied to their benefit, and in the most salutary manner, we should go far towards discharging the great moral debt which has come down to

us, as an inheritance, from the earlier periods of our history, and which has been unfortunately increased, during successive generations, by circumstances beyond our control. The policy would not be less wise than just. The time has passed away, if it ever existed, when a revenue derived from such a source was necessary to the Government. The remnant of our aboriginal race may well look for the full value, and that usefully applied, of the remnant of those immense possessions, which have passed from them to us, and left few substantial evidences of permanent advantage. One great objection to a removal, which has been urged by the more discreet Indians, and by many of our own citizens, who are honestly seeking their improvement, is the prospect, judging by the past, that their location west of the Mississippi would be temporary, as they would be soon pressed for new cessions, and would yield, as they have heretofore yielded, to successive applications for this purpose. Although the nature and objects of their removal, and the spirit of the act of Congress which introduced the system, are opposed to such attempts, still the apprehension is entertained, and has proved injurious. Probably no course would better satisfy them upon this subject, than the introduction of a principle, which would secure to them the full value of the property, under all circumstances; thus lessening the probability, in their view, of any wish on our part to acquire it, and ensuring on theirs, if not the power and disposition to retain it, at least the means of converting it to the greatest advantage.

The treaty negotiated with the Creeks in March last, is in process of execution. As soon as the census is completed, and the necessary surveys made, each person entitled to land will receive his tract, and he will then be allowed to sell or retain it. If he chooses to sell, the treaty provides him a residence, and secures him his just privileges with his countrymen who have crossed the Mississippi. But if he prefer remaining, and retaining his land, he becomes a citizen of Alabama, amenable to its laws, and entitled to their protection. All danger of future collision is therefore at an end.

A treaty has been formed with the Seminoles of Florida, upon just and satisfactory terms, by which they cede their possessions in that territory, and agree to migrate to the region west of the Mississippi. The treaty, however, is not obligatory on their part, until a deputation, sent by them, shall have examined the country proposed for their residence; and until the tribe, upon their report, shall have signified their desire to embrace the terms of the treaty. In conformity with this stipulation, an exploring deputation has proceeded to the Arkansas country, for the purpose of examining it, and reporting its adaptation to the objects of Indian life. When they return, the determination of the tribe will be made known to the Government; and, it is hoped, in time to enable the department to submit the treaty to you, that it may be laid before the Senate at the ensuing session.

With the Appalachicola bands an arrangement has been made, under the act of Congress of May 28, 1830, for the relinquishment of the largest portions of their claims in Florida, and for their removal. This arrangement is unconditional, and will be immediately executed. And it is confidently anticipated, that the small party which has not yet assented to the arrangement, will soon accept similar terms for the very limited reservations held by them.

It will thus be seen that with the Creeks, the Choctaws, the Chickasaws, and the principal Appalachicola bands, certainly, and with the Seminoles, probably, such arrangements have been made as will prevent the occurrence of any difficulties resulting from the assertion of jurisdiction by the State or Territorial Governments, on the one hand, and the unfounded claims of exemption from their authority by the Indians, on the other. These tribes embrace all the aboriginal population now remaining in the country east of the Mississippi, and south of the Ohio, with the exception of a few individuals, too unimportant for recapitulation; and with the exception, also, of the Cherokees. Of these latter Indians, it is computed that about thirty-five hundred reside west of the Mississippi, and about eleven thousand within the chartered limits of Georgia, and in the States of Alabama, Tennessee, and North Carolina. All the embarrassments, arising out of the anomalous situation of the Indians, which have engaged the public attention, and occasioned much anxiety to the Government, are confined, in their operation, to that portion of this small band living within the State of Georgia. Could they be induced to pursue the only course which promises them stability and prosperity, and to remove to, and re-establish in, the West their political and social systems, with such modifications as experience and the change of events have rendered necessary, the country might soon look forward to an entire removal of the whole Indian race east of the Mississippi, and to a termination of all those perplexing difficulties which inevitably result from the existing relations established between them.

Treaties of cession and removal have also been formed with the Shawnees, Delawares, Peorias, and Kaskaskias, by which their territorial claims in Missouri and Illinois have been extinguished; and with the Pattawatamies, for the cession of extensive districts in Illinois and Indiana.

The recent hostilities, commenced by the Sac and Fox Indians, may be traced to causes which have been for some time in operation, and which left little doubt upon the minds of those acquainted with the savage character, that they were determined to commit some aggression upon the frontier.

The confederated tribes of the Sacs and Foxes have been long distinguished for their daring spirit of adventure, and for their restless and reckless disposition. At the commencement of the eighteenth century, one of these tribes made a desperate attempt to seize the post of Detroit; and, during a period of forty years, subsequent to that effort, they caused great trouble and embarrassment to the French colonial government, which was only terminated by a most formidable military expedition, sent by that enterprising people into the then remote regions west of Green Bay.

During the last war with Great Britain, this Confederacy entered zealously into the contest, and was among the most active and determined of our enemies. After the peace, their communication with the Canadian authorities was preserved; and, every year, large parties of the most influential chiefs and warriors visited Upper Canada, and returned laden with presents. That this continued intercourse kept alive feelings of attachment to a foreign power, and weakened the proper and necessary influence of the United States, is known to every one who has marked the progress of events, and conduct of the Indians upon the northwestern frontier. The tribes upon the Upper Mississippi, particularly the Sacs and Foxes and the Winnebagoes, confident in their position and in their natural courage, and totally ignorant of the vast disproportion between their power and that of the United States, have always been discontented, keeping the frontier in alarm, and continually committing some outrage upon the persons or property of the inhabitants. All this is the result of impulse, and is the necessary and almost inevitable consequence of institutions, which make war the great object of life. It is not probable that any Indian, seriously bent upon hostilities, ever stops to calculate the force of the white man, and to estimate the disastrous consequences which we know must be the result. He is impelled onward in his desperate career by passions, which are fostered and encouraged by the whole frame of society; and he is, very probably, stimulated by

the predictions of some fanatical leader, who promises him glory, victory, and scalps.

In this state of feeling, and with these incitements to war, the Sacs and Foxes claimed the right of occupying a part of the country upon Rock river, even after it had been sold to the citizens of the United States, and settled by them. In 1829 and in 1830, serious difficulties resulted from their efforts to establish themselves in that section, and frequent collisions with the inhabitants were the consequence. Representations were made to them, and every effort, short of actual hostilities, used by the proper officers, to induce them to abandon these unfounded pretensions, and to confine themselves to their own country on the west side of the Mississippi river. These efforts were successful with the well disposed portion of the tribes, but were wholly unavailing with the band known by the name of the "British party." In 1831, their aggressions were so serious, and the attitude they assumed so formidable, that a considerable detachment of the army, and of the militia of Illinois, was called into the field; and the disaffected Indians, alarmed by the preparation for their chastisement, agreed to reside and hunt "upon their own lands west of the Mississippi river," and that they would not "recross this river to the usual place of their residence, nor any part of their old hunting grounds east of the Mississippi, without the express permission of the President of the United States, or the Governor of the State of Illinois."

This arrangement had scarcely been concluded, before a flagrant outrage was committed, by a party of these Indians, upon a band of friendly Menomonies, almost under the guns of Fort Crawford. Twenty-five persons were wantonly murdered, and many wounded, while encamped in the village of Prairie du Chien, and resting in fancied security upon our soil, and under our flag. If an act like this had been suffered to pass unnoticed and unpunished, a war between these tribes would have been the consequence, in which our frontiers would have been involved, and the character and influence of the Government would have been lost in the opinion of the Indians.

Apprehensive, from the course of events already stated, and from other circumstances, that the disaffected band of Sacs and Foxes would again harass and disturb the settlements upon our borders, and determined that the murderers of the Menomonies should be surrendered or taken, the department ordered General Atkinson, on the 7th of March last, to ascend the Mississippi with the disposable regular troops at Jefferson barracks, and to carry into effect the instructions issued by your direction. Still further to strengthen the frontiers, orders were given for the re-occupation of Chicago.

The demand for the surrender of the Menomonie murderers was entirely disregarded; and the "British party" of the Sacs and Foxes recrossed the Mississippi, and, assuming a hostile attitude, established themselves upon Rock river. The subsequent events are well known, and the result has already been stated in this report.

To Major General Scott and Governor Reynolds, of Illinois, was assigned the task of pacification; and, by their joint exertions, treaties of cession were formed with the Winnebagoes, and with the Sacs and Foxes, by which the title of the former is extinguished to all the country south of the Ouisconsin and east of the Mississippi, and the title of the latter to an extensive region west of this river.

These cessions are highly important to the peace and security of that frontier, and will soon be followed by such settlements as will place it beyond all danger of Indian hostilities. And it is to be earnestly hoped, that the severe lesson, which the events of the late campaign have taught the Indians, will ensure the preservation of tranquility, and render a resort to similar measures, on the part of the United States, unnecessary.

The removal of a number of the tribes, and other changes, which are taking place in our Indian relations, have enabled you to direct the discontinuance of several of the agencies, and a considerable reduction in the expenditures of the Indian Department. The agencies of Michillimackinack, and the Sault Ste. Marie, have been consolidated, and those of the Ohio Indians, of the Eastern Choctaws, and of the Eastern Creeks, have been limited to the 31st of December next, after which they will be discontinued. A corresponding reduction has been made in the expenditures, amounting, as the estimates will show, to the annual sum of twelve thousand seven hundred and fifty dollars, in the ordinary operations of that branch of the public service. The progress of the system of emigration will enable the department to carry into effect your instructions with relation to a further diminution of these expenses; and no opportunity will be omitted, consistently with the public interest, to accomplish this desirable object.

The important duties imposed upon the department by the act of Congress of June 7, 1832, entitled "An act supplementary to the 'act for the relief of certain surviving officers and soldiers of the revolution,'" have been executed as far as possible. As will be seen by a report of the officer in charge of the Pension Bureau, upwards of twenty thousand applications have been presented under that act. Of these, more than six thousand have been examined; and have been admitted, rejected, or returned for supplementary action. The number of cases so far exceeded the anticipations which had been formed, that the strength of the office was wholly inadequate to a prompt examination of them; and a system of procedure was therefore adopted, involving some additional expense, (to meet which, it is hoped an appropriation will be made,) but calculated greatly to facilitate the execution of the business. Additional clerks were employed, and a division of labor was established among them, by which each case could be thoroughly examined, and a brief analysis submitted in a prescribed form. By assigning to particular persons the duty of deciding whether these condensed statements present such claims as come within the established regulations, every reasonable facility, compatible with a proper investigation, is given to the progress of the business, and yet the important action upon the whole is entrusted only to five principal clerks in the bureau, who, from their experience, or other qualifications, are fully competent to the discharge of this duty, and who act under the more immediate direction of the faithful officer who has so long presided over the Pension Bureau.

It is certainly very desirable that all these claims should be investigated and decided with the least possible delay. The bounty or the justice of their country has come late enough to the remnant of that heroic band who laid the foundations of our national prosperity, without the occurrence of further unnecessary delay in the administration of the law; and I have felt it my duty to cause the most prompt and vigorous measures within the reach of the department to be taken, in order to effect this object.

Still, a just regard to the public interest, and the exercise of proper precautions to guard against fraudulent claims, necessarily interpose delays in the management of this business, which, without a knowledge of the circumstances, may have appeared unreasonable. But they are not so. They could not, and cannot be avoided. The regulations adopted to give effect to the act, and reported at the last session to the Pension Committees of both Houses, proceeded, in some measure, upon new principles, in the system of evidence required to be submitted. It was manifest, that if the plan adopted, with great propriety, fourteen years ago, when the first pension act was passed, were adhered to in all cases arising under the recent law, but few would be found, who could claim its benefits. Since that period, death has reduced the

number of the revolutionary patriots, and advanced age and infirmity have enfeebled the powers of the survivors. Direct, positive evidence, therefore, of identity and service cannot be procured in many cases, nor without difficulty in scarcely any. In this state of things, and where no documentary evidence exists, (and this has been preserved in but few of the States,) the applicant is allowed to state in detail the nature, extent, and duration of his service, and all the important facts connected with it, which he can recollect. The regulations prescribe the general mode in which this declaration must be made, and the questions to be put to the applicant. The proceeding must take place before some court of record, except in cases of peculiar infirmity; and the favorable opinion of the court is indispensable to the success of the application. The declaration must also be corroborated by the testimony of respectable individuals, acquainted with the applicant, and bearing evidence to the traditionary belief of his revolutionary services in the neighborhood where he has resided.

It is obvious that the mere preparation and transmission of these papers ought not to entitle the party to the relief he seeks. If it did, great frauds would be practised. The general form of the proceedings is an important auxiliary in the administration of these duties, but it is not all; nor is it, indeed, the principal element in the process of investigation. The narrative of the applicant, referring to the names of officers; to the numbers and stations of regiments and corps; and to marches, battles, and other historical events, is carefully examined, and compared with the records in the department, and with such facts, connected with the revolutionary annals, as have been collected, during a series of many years of constant labor and attention, in the Pension Office. It is believed that this course of investigation and comparison is as free from objection, as any plan which could have been adopted; and that a just medium has been preserved between that severity of administration, which would have rendered nugatory the provisions of the law, and that laxity, which would have opened the Treasury to false and fraudulent claims.

But the labor of investigation which this course of proceeding imposes upon the department, is apparent, and it is without remedy. An appropriation is requested, in order to increase the number of clerks, as far as is prudent and compatible with a safe execution of the law. Should this be granted, the whole subject will be disposed of with as little delay as possible, agreeably to the intentions of the Legislature, and to the expectations of the country.

Very respectfully, sir, I have the honor to be,
Your obedient servant,
LEWIS CASS.

REPORT OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT, *December* 3, 1832.

To the President of the United States:

SIR: It is a source of much gratification to be able to lay before you an exposition of the transactions of this department the past year, evincing great prosperity.

New evidences have been furnished of the importance of our navy, in sustaining the American character abroad, and in extending and protecting some of our most valuable interests.

Besides the ordinary aid given to commerce, by the presence of a respectable force on each of our foreign stations, the cruising grounds of some of our squadrons have been enlarged; convoy, and relief in distress, have been occasionally afforded; threatened aggressions have, in some cases, been deterred, and, in others, the commission of actual injuries has been seasonably investigated and stopped.

In the performance of these duties, frequently very delicate and difficult, our officers have, in general, displayed commendable prudence, and always their accustomed promptitude, zeal, and bravery.

Connected with the Mediterranean station, the only collision that has arisen between any part of our squadron and other Powers, took place at Madeira between the Constellation and the blockading vessels of Donna Maria. The commander of the Constellation, under instructions to show entire impartiality towards the contending claimants to the throne of Portugal, and at the same time to respect in all places the actual Government, found, on his arrival at that island, the force employed in its blockade apparently insufficient for the due investment of the place, and partial in its indulgences towards the flags of other nations. Under these impressions as to the facts, and under his general orders for the efficient protection of our commerce, he came to a conclusion, very fortunate for those interested in the trade to Madeira, that while such a state of things continued, he was justified in extending assistance to our merchantmen to enter the port of their destination with their perishable cargoes.

The addition to the Mediterranean squadron of the frigates Constellation and United States, and the return of the Ontario, are the only material changes in it since my last annual report. The Delaware has been prepared for sea with a view to that station; but it was deemed expedient not to despatch her, unless some emergency occurred, until she could undergo a thorough examination in one of our dry docks. The Brandywine, Boston, and Concord, being expected home the present winter, their places will, probably, in a few months, be supplied by the Delaware.

The chastisement inflicted by the frigate Potomac on the piratical Malays, in February last, is the sole occurrence of importance among our vessels that compose the squadron in the Pacific. The orders given to her commander required him to ascertain, by careful inquiries, that the information received here before his sailing, concerning the plunder and massacre committed on board the ship Friendship, was not exaggerated. He was further directed to satisfy himself that those outrages were not provoked by any misconduct on the part of the Americans; and that the offenders were, as represented and believed to be true, a race of a character so lawless and savage as not to come within the scope of diplomatic intercourse. He was also instructed, if practicable, first to demand and obtain indemnity for the injury committed, and the punishment of those most conspicuous in these barbarous atrocities. It has been gratifying to learn, by accounts from that quarter of the world, subsequent to the visit of the Potomac to Sumatra, that the result of that visit has been to silence all exultation and menaces of further violence from those sea-robbers; to draw from them acknowledgments of past errors, and promises of future forbearance from like offences, and to ensure, as yet, a scrupulous fulfilment of those promises. But, to guard against their perfidy, orders were given that the Potomac should be followed by a detachment from the Brazilian squadron, part of which detachment has since sailed, and has instructions to touch not only at Sumatra, but such places in India, China, and on the eastern coast of Africa, as may be conducive to the security and prosperity of our important commercial interests in those regions.

The stop put to the seizure of our vessels at the Falkland Islands, in January last, was effected by a ship of the Brazilian squadron, under general instructions from this department to take all proper measures for the effectual security of our commerce and fisheries. Special orders on that subject had been previously prepared and forwarded by this department; but they had not arrived at the time of the prompt and successful interference by

the Lexington. Our commerce and fisheries have not been molested in that quarter since that occurrence. The Boxer, another vessel of the same squadron, after visiting Liberia in Africa, has, at a critical moment, extended our naval protection to the neighborhood of Para and Maranham. The schooner Enterprise, in the late disturbances at Montevideo, was also placed in a position of much delicacy, and succeeded in furnishing very opportune assistance, not only to our own merchants, but to the constituted authorities of the country. Nothing else of interest, connected with the Brazilian station, has occurred since my last annual report. But the unsettled condition of South America, and the security of our commerce in India, have led to the increase of our force on that station, by the addition of the Peacock, Boxer, and Enterprize.

The West India squadron has been employed in an active and useful manner; and particularly so while on the coast of Mexico. During the commotions in that country the past season, this squadron yielded very efficient protection to our own citizens, and was, on some occasions, fortunately enabled to proffer security to the residents from some other nations. The recent seizure of the Montezuma, a vessel belonging to Santa Anna, was made by the Grampus without any special instructions from this department; but, on the facts reported to her commander, the seizure was deemed by him both necessary and proper in the execution of his general orders to shield our flag, our citizens, and their property, from unlawful aggressions. A part of this squadron has recently been detached to visit the Western Islands, the Cape de Verds, and, if necessary, the coast of Africa, in pursuit of a piratical vessel which, in September last, robbed the American merchant brig Mexican of a large amount of property near the Azores. This measure, aided by instructions to the commanders of vessels on their return from the Mediterranean, and to those now in the West Indies, as well as to our consuls at Madeira, Lisbon, and Gibraltar, to use all practicable vigilance in the detection and punishment of the authors of this wanton outrage, will, it is hoped, terminate successfully; and, in any event, will tend to prevent any other attempts of a like character, from the increased impracticability of escape with impunity. The only changes in the vessels of this squadron have been the withdrawal of the Fairfield, Vincennes, and Erie, for repairs, and the substitution of the St. Louis and Vandalia.

For reasons suggested in the last annual report, it has been my endeavor to keep one of our vessels in commission remaining constantly on some portion of our own coast. The schooner Experiment, after sundry trials of her qualities, which proved in a great degree satisfactory, and, after a visit, during the past season, to most of our home stations, is still retained on our Atlantic seaboard, ready to be despatched to such quarter of the world as any new incident may show to be most expedient.

Of the three small vessels heretofore employed in the protection of our live oak, there seems now to be little doubt but one unfortunately foundered in a severe gale during the previous year. The other two, under a belief that their further employment would not be so beneficial as to justify the expenses they occasion, have been recalled. One ceased to be in commission in May last, and was ordered to be sold; and the same disposition will be made of the other on her arrival at Norfolk.

A list of all our vessels now in commission, with their stations and commanders, is annexed. The vessels not in commission have all been recently examined by the Navy Board; and most of those in ordinary, as well as all on the stocks, have been found to be in a good state of preservation. For their condition in detail, reference may be had to the documents annexed. The acts of Congress relative to the rebuilding of the Macedonian, and the purchase of timber to rebuild, at some future period, the Java and Cyane, have both been executed as far as practicable. The rebuilding of the former has already been commenced, and contracts have been made for timber for the others.

The collection of live oak frames, and of other timber suitable for other parts of vessels, under the act for the gradual improvement of the navy, is in progress as rapidly as the supply of live oak timber from private lands, and the erection of sheds at the different yards to preserve our materials of that character, render judicious.

On the subject of vessels, the department has nothing more, of much importance, to remark, except the repetition of its earnest desire, expressed in the last annual report, for an appropriation to build a few steam batteries. In addition to the considerations then urged in favor of early attention to this subject, may properly be suggested the circumstances, that much time will be required, not only to procure their peculiar equipments, but to introduce the system of discipline, somewhat novel, which may be necessary for their crews; to enable our officers to acquire the new and necessary science suitable for the supervision and management of steam batteries, and to train a distinct class of persons in the service to become their engineers. It is moreover ascertained that these batteries can be so constructed as to prove highly useful during peace at the principal navy yards, in towing public vessels towards their destination, at the time of their departure and return, under all winds and tides, and in the frequent and indispensable transportation of men, stores, and provisions.

The property on hand at the several yards, consisting chiefly of timber, iron, copper, and arms, continues to increase in amount. The whole now exceeds in value the sum of five million five hundred and seventy-nine thousand nine hundred and seventeen dollars. Independent of what is prepared for repairs of vessels, we have on hand the frames of four ships of the line, seven frigates, four sloops, and three steam batteries; nine hundred tons of iron, four hundred and fifty-eight tons of copper, ninety-three tons of lead; two thousand two hundred and thirty-two cannon and carronades; three thousand five hundred and four muskets—about thrice as many pistols and cutlasses; two hundred and twenty-eight thousand nine hundred and eighty round and double headed cannon balls, beside grape and canister; thirty-five thousand six hundred pounds of powder; one hundred and ninety-eight thousand three hundred and eighty-two pounds of sulphur, and about double that quantity in nitre. For further particulars under this head, reference may be had to the annexed report. Increased attention has been bestowed on the due arrangement and preservation of all these materials; and new securities for their proper use, and the accountability for them, will probably be introduced into the revised naval regulations now preparing.

Without much previous attention to the extent and quality of these materials, it will never be in our power, in any future emergency, to develop suddenly, and employ efficiently, the great naval capacities of this country for annoyance of an enemy, and for protection to our commerce, as well as for maritime defence.

The act of Congress for the gradual improvement of the navy will expire next March: and this occasion is seized to recommend the continuance of its appropriations for the purchase of these materials, as well as for other valuable purposes, at least six years longer. If these materials are gradually collected, and preserved, in such quantities as to enable us, in addition to the force usually in commission, forthwith, in any crisis, to put our vessels that may be in ordinary and on the stocks, into a condition for active and efficient service, and to build and equip suitably such other vessels as our great commercial

marine will assist us fully to man, we shall then exercise that true foresight and that sound and sagacious economy in respect to this branch of the public service, which all experience of our own and other nations recommends, and which the present flourishing state of our country justifies. Without any increase of the number of seamen actually serving in the navy during peace, every sailor on our two thousand miles of seaboard, on our noble rivers and vast lakes, can then be considered as in a course of training to man the numerous vessels of war which our interests, our rights, and our honor, may at any future period require us to arm; and our countless steam vessels on the navigable waters connected with some of our frontiers, could then, in any emergency, be at once supplied with the proper munitions of war, and be so far equipped as floating batteries, that they would furnish new and powerful aid, not only in the rapid transportation of men and stores, but in repressing hostile depredations near our shores, and in repelling an invading foe.

Though nominally, as to vessels in commission, only the fifth or sixth naval power in the world, and not expending over one-eighth of the annual amount paid by some nations to maintain a naval establishment, yet, if we look to the true elements of naval power, to our ships in ordinary and on the stocks, to our materials for building, and equipment collected and collecting to our large commercial marine, whether of merchant vessels or steamboats, to our flourishing fisheries, our extended seacoast and excellent harbors, to our large number of navigable rivers and inland seas, and, at the same time, to our position in regard to other nations, with few neighbors bordering on us by land, and an ocean rolling between us and most of the Governments with whom we are likely to have collision, it must be manifest that our greatest exposure and danger are on the water, and that our means of attack and defence there, if duly husbanded and developed, will probably always prove equal to sustain us with credit in any hostilities into which the convulsions of the world may hereafter plunge our peaceful confederacy.

The buildings at the different yards, contemplated by the estimates of last year, have been commenced; and such sums as are wanted to complete them, and to begin others necessary for the accommodation of the officers, the construction and repairs of vessels, and for the safety of the public property, are included in the estimates for the ensuing year.

The appropriation, at the last session, for the survey of Narragansett bay, received immediate attention. The survey has been completed, and the chart is now preparing. When finished, it will be submitted, for the purpose of being laid before Congress.

The liberal appropriations made at the last session in aid of the navy hospital fund, have been partly expended: and when the buildings are finished and furnished, they will conduce greatly to the health and comfort of their meritorious inmates, and reflect much credit on the humanity and benevolence of the country. Measures have been adopted to obtain, if practicable, the release of jurisdiction from the States over the several hospital sites, with a view to prevent the burden and annoyance of taxes, and the obstructions to due discipline in the establishments.

The navy hospital, navy pension and privateer pension funds, since being placed exclusively under the charge of this department, have all received careful attention; and the present prosperous condition, especially of the two first, will be made the subject of a separate report, to be submitted to Congress in a few days. The payment of nine thousand dollars on the third of March, 1829, for the site of the navy hospital at Norfolk, having been made out of the appropriation for pay and subsistence, instead of the navy hospital fund, and on a deed of conveyance deemed exceptionable in its form, the special interposition of Congress to arrange the subject was held to be proper by my predecessor; and, on that account, the subject still remains unadjusted on the books of the Fourth Auditor.

The entire completion of the dry docks has been prevented by an accident to the coffer dam of one of them, the prevalence of the cholera in the neighborhood of the other, and the extraordinary severity of the weather during the last winter. But, it is believed that the solidity and durability of the works, generally, will be increased by the delay; and that, during the ensuing season, we shall be enabled, with safety and great advantage, to use both the dry docks in the examination and repair of our public vessels. The report annexed will furnish the details on this subject, as well as the other proceedings under the act for the gradual improvement of the navy. A civil engineer will be needed in the future superintendence of these; and he could otherwise be very useful in preparing plans and estimates for the erection of the various buildings and other public works at the different yards. Any increase in our expense by the services of such an officer will be avoided, as the estimates of this year omit two of the number of naval constructors, whose labors at this time are not required. It will be seen by the general estimates for the naval service the ensuing year, which are annexed, (E.) that no other essential change is contemplated as to officers, except a small reduction in the number of captains and midshipmen, and a small increase in that of masters commandant. The number of lieutenants is only apparently lessened, as it had been during the year no larger than the present estimates contemplate; while the actual number of midshipmen has been the same as in the estimates of former years. The estimates extend this year to the purchase of suitable libraries for the officers in schooners as well as in larger vessels; and include schoolmasters for all the sloops. Until Congress may think proper to make provision for educating the younger officers, other than the present course of instruction on board the larger vessels, and at two of the yards, with an occasional extension of it to another, earnest and additional efforts should, in my opinion, be made to convert every vessel as large as a sloop into a school, efficient as possible in bestowing on the midshipmen that elementary science and literature, as well as that discipline, necessary to qualify them for the honorable discharge of the higher and more responsible duties of the service. If, in such a floating academy, confined to the deck of a ship of war, they may fail to acquire in so great perfection some of the appropriate graces of their rank, it is a consolation to reflect, that, by furnishing them with improved means, what they may acquire in theoretic information will be increased in quantity and excellence, will be sooner tested by experiment, and thus become more strongly incorporated with the memory and judgment; while much less will intervene to tempt them from that rigid discipline, and that ardent devotion to the ocean, its scenes, its dangers, and glories, which should be inseparable from their arduous and adventurous profession.

The estimates for improvements at the different yards, and for repairs of vessels, are somewhat smaller than those of the previous year. But while retrenching, wherever practicable, all unnecessary expenditure, it has been my constant endeavor to avoid weakening the efficiency of the whole naval establishment, either through an inconsiderate impression that it is, as in some older countries, already arrived at maturity, or overgrown and unwieldy; or that, from some other cause, it is not entitled to share in the gradual progress and improvements which the advancing spirit of the age, and the increasing power of a great and growing people, seem to require from all our useful public establishments.

As respects the pecuniary concerns of the navy, gene-

rally, it gives me sincere satisfaction to state, that, during the year, not a single dollar is known to the department to have been misappropriated, or lost by misconduct on the part of any of our agents or other officers.

By the changes made under the new arrangement for drawing bills of exchange abroad, either on England or this country, as most advantageous, and by the exercise of more care in our agents concerning the forms of business and the communication of seasonable advices, all our payments abroad have been effected without delay or sacrifices. No bills of exchange have been protested; the credit of our drafts has become good on every station, and on the two where most depressed heretofore, they have advanced considerably above par.

By means of the seasonable appropriation of the last session of Congress, for the arrearages which had been some years accruing, and by extreme caution since in relation to charges on the enumerated contingent fund, we have as yet been enabled to pay promptly all the demands under that head. No transfer has been made to aid it, in any case, under the temporary act of the last session.

Should Congress place the enumerated contingent fund on the footing heretofore and now recommended, and which new charges upon it in the present estimates render still more urgent, and which the experience of the last ten years, as shown by repeated bills for arrearages, and by irregular transfers from other appropriations to aid it, proves to be indispensable to meet the usual demands upon it in the ordinary contingencies of the service, there is but little doubt that the present desirable state of our moneyed accounts will long continue.

There is now on hand unexpended, of previous naval appropriations, about a million and a half of dollars, but probably most of this sum will be requisite to adjus outstanding claims, and complete the specific objects for which some of the appropriations were made.

On one subject, connected with our pecuniary matters, and which has heretofore excited some sensibility, both in and out of Congress, from other considerations as well as economy, it affords me gratification to add, that our public vessels have returned so seasonably during the year, that no expense whatever has been incurred in the transportation, from foreign countries, of seamen whose term of service had been allowed to expire abroad.

In respect to the preservation of live oak, the department, as before suggested, has not deemed it proper to employ any longer the small vessels engaged in that service. In two of the seven districts, the general examinations having been completed, it has been considered not advisable to retain the agents in them at a large expenditure, merely for the preservation of the timber. It is expected that the examinations of three of the remaining districts will be finished during the present winter; and of the other two, in the course of the ensuing year. The general results from these examinations, and my opinion in detail on the plan most eligible to be pursued hereafter on this interesting subject, will soon be presented to Congress in a special report, prepared in conformity to a request contained in a resolution of the House of Representatives passed at the last session.

Our seamen have, in general, evinced a strong and increasing attachment to the service. Great care has, with success, been taken to prevent their times of enlistment from expiring abroad. No occasion has arisen to open the rendezvous at home, for some months. Whenever opened during the year, an ample supply of men has been readily obtained. The habits of our seamen are improving in respect to temperance. In most of our ships they have generally enjoyed excellent health, and the visitations among them of that alarming scourge, the Asiatic cholera, have been neither frequent nor severe. Corporal punishment has become less common and less necessary. The present ration of provision issued for their sustenance cannot lawfully be changed by the department alone, but could be altered by Congress so as to increase its variety, its nutriment, and healthful qualities. The ingredients recommended in a special report from this department, at the last session, would be no more expensive than those now composing the ration, and much more acceptable to most seamen.

Efforts have been made to apportion an equal share of the emoluments and hardships of the service to all officers of similar rank and date. Opportunities to test the fitness of all in subordinate stations, have been, and will continue to be, furnished, as fast as the wants of the naval establishment may permit. It is essential to its prosperity, that those officers entirely unfit for duty should be placed on half pay, or retire altogether from the service, as their unfitness may have arisen from wounds and infirmities which happened in the discharge of duty, or from censurable causes.

Strict discipline among the officers has generally been attempted, tempered, it is hoped, with all reasonable indulgences. Such discipline has been found not only more beneficial to the officers themselves, and the high reputation of the service, but a most efficient instrument in the control and reformation of the seamen, who seldom complain of a system of government extended with firmness and impartiality to their superiors.

The annexed order has been issued during the year, with a view to furnish increased incentives to vigilance in discipline on board our vessels in commission, and as an additional means of obtaining more accurate information on the peculiar merits of officers in command, whose modesty will generally allow only the report of their good works, through the inspection of others, to recommend them.

No appropriation was made the last session of Congress for the suppression of the slave trade; but the department has been able to meet all the demands growing out of that subject, by the balances on hand from former years, as may be seen in the annexed statement. In consequence of a supposed piracy on the coast of Africa, the Boxer visited Liberia in April last. The report of her commander is annexed. As Congress did not, at their last session, make any provision in regard to the public property there, the department has deemed it expedient to sell such of it as was perishable and decaying, and to direct a careful examination, by our agent resident in that country, and an expression of his opinion as to the future disposition of the residue. It may be proper to have, this year, at least a moiety of the last appropriation of ten thousand dollars made, so as to enable the Government to meet any contingent calls which may happen in the further suppression of this inhuman trade.

The rules and regulations for the administration of the civil branch of this department, mentioned in the last annual report, have been collected, arranged, and printed. From their subsequent distribution among the naval and civil officers connected with the service, all the benefits anticipated to the relief of the department and the officers, from much unnecessary correspondence and many unpleasant decisions, have been fully realized. The code of regulations for the naval branch is undergoing revision and enlargement, under a resolution passed by Congress at its last session, and will be submitted for approbation when completed.

A list of the deaths, dismissions, and resignations, the past year, is annexed.

The condition of the marine corps, as to its organization and size, as well as the allowances to its officers, and the ruinous state of some of its barracks, have heretofore attracted the attention of this department and of Congress. But, except the small appropriation to re-

build the barracks at Philadelphia, and which is now in a course of expenditure, legislation has not been completed, though very desirable, on these subjects, so interesting to the corps, and so intimately connected, in my opinion, with its future services and usefulness.

To avoid unnecessary repetition, and what might perhaps be deemed indecorous importunity, several other subjects intimately connected with the welfare of our naval establishment, are left to the decision of the proper authorities, on the suggestions and considerstions heretofore submitted by this department. Full confidence is cherished that they will receive all that attention which the acknowledged importance of many of them deserves, and that nothing exists in the present state of the establishment, or of the country, which should prevent the continuance of all that liberality towards the navy, which it has so often experienced, as well as merited, both from the Government and the public.

Yours, respectfully,

LEVI WOODBURY.

REPORT OF THE POSTMASTER GENERAL.

General Post Office Department,
November 30, 1832.

To the President of the United States:

Sir: The following report of the transactions of this department, with its progress and prospects, is respectfully submitted.

Experience has demonstrated the fact, that such improvements as facilitate intercourse by travelling, and at the same time increase the expedition and frequency of mails on the great leading routes, while they strengthen the bands of friendship, and promote both the moral and pecuniary interests of the country, bring an increase of revenue to the department, more than equivalent to the increase of expenditure which they occasion. But the expense for transportation must be incurred before the revenue can be realized. I have therefore, within the year ending the first of July last, given an increase to the transportation and celerity of the mails, far beyond that of any former year. Anticipating the law of the last session of Congress for the establishment of a greater number of new post routes than was ever before established in one year, it was deemed expedient, preparatory to meeting their expense, to make great improvements on such routes, and to confine them principally to such routes as would tend, in a still greater degree, to enhance the revenues of the department, and in time to render that increase available to the expenses of the new routes which might be established. The progress of mail transportation is as follows:

The annual transportation of the mail was,

On the 1st July, 1829,	13,700,000	miles,
" 1st July, 1830,	14,500,000	"
" 1st July, 1831,	15,468,692	"
" 1st July, 1832,	23,625,021	"

The increase of the annual transportation of the mail was,

From July 1, 1829, to July 1, 1830,	800,000	miles.
" July 1, 1830, to July 1, 1831,	968,692	"
" July 1, 1831, to July 1, 1832,	8,156,329	"

The length of post roads in the United States was, on the first of July last, exclusive of those established by the law of the last session of Congress, 104,467 miles, viz.

	Miles.		Miles.
Maine,	3,170	Connecticut,	2,500
New Hampshire,	2,270	New York,	12,306
Vermont,	2,337	New Jersey,	1,883
Massachusetts,	4,657	Pennsylvania,	9,783
Rhode Island,	448	Delaware,	424
Maryland,	1,953	Mississippi,	2,074
Michigan,	940	Alabama,	3,430
Ohio,	8,060	Tennessee,	5,478
Kentucky,	5,629	Arkansas,	1,939
Virginia,	9,542	Missouri,	1,522
North Carolina,	6,465	Illinois,	3,276
South Carolina,	3,948	Indiana,	4,445
Georgia,	4,171		
Florida,	731	Making together, as above,	104,467
Louisiana,	1,076		

Over these roads, the annual transportation of the mail was, on the 1st of July, 1832:

States.	In stages.	In steamboats.	On horseback and in sulkies.	Total.
	Miles.	Miles.	Miles.	Miles.
In Maine,	527,017	3,328	211,068	741,413
N. Hamp.	524,352	—	96,774	621,126
Vermont,	596,538	—	82,160	678,698
Massachu's,	1,387,780	23,712	137,958	1,549,445
R. Island,	108,212	—	13,572	121,784
Conn.	507,075	—	154,416	661,491
N. York,	2,889,124	96,735	681,495	3,667,354
N. Jersey,	494,482	—	96,368	590,850
Pennsyl'a,	2,351,184	—	600,891	2,952,075
Delaware,	92,674	—	11,024	103,698
Maryland,	579,448	58,380	151,588	789,416
Michigan,	108,136	—	43,912	152,048
Ohio,	1,181,909	47,150	510,926	1,739,985
Kentucky,	575,604	45,000	510,496	1,131,100
Virginia,	1,136,250	88,500	706,782	1,931,532
N. Carolina,	786,775	15,283	386,308	1,188,371
S. Carolina,	613,882	—	246,064	859,946
Georgia,	282,598	—	374,236	656,834
Florida,	14,560	—	48,808	63,368
Louisiana,	48,516	3,848	121,212	173,576
Mississippi,	78,002	—	211,496	289,498
Alabama,	412,090	96,360	255,580	764,030
Tennessee,	440,445	—	365,144	805,589
Arkansas,	—	—	193,076	193,076
Missouri,	79,508	—	116,792	196,300
Illinois,	210,314	—	183,170	393,484
Indiana,	196,268	21,000	391,666	608,934
Total,	16,222,743	499,301	6,902,977	23,625,021

The increase of transportation within the year ending July 1, 1832, has been,

In stages and steamboats,	5,993,696	miles.
On horseback and in sulkies,	2,162,633	
Making together, as above,	8,156,329	

Equal to more than half of the whole annual transportation in the United States, in 1829.

Among the improvements made in the transportation of the mail, from July 1, 1831, to June 30, 1832, are the following:

The mail between the Atlantic States and New Orleans, till November last, was transported but three times a week. New Orleans being the mart for all the Western States, and the principal medium of mercantile intercourse between them and the commercial cities on the seaboard, the increase of mail facilities on the great mail route to New Orleans was a subject of deep interest both to the agricultural and commercial communities of more than half the Union. The whole of this line was, there-

fore, from December last, improved into a daily line of four-horse coaches and steamboats, for the distance of 637 miles, between Macon, Georgia, (where the daily line formerly ended,) and the city of New Orleans; and with such increased expedition, that the mail is now transported from New Orleans to Washington city in eleven days and fourteen hours; to Baltimore in eleven days and twenty-one hours; to Philadelphia, during the steamboat navigation, in twelve days and nine hours; and to New York in thirteen days.

The mails which were formerly transported but three times a week between Augusta, Georgia, and Savannah, 119 miles, and from Augusta to Charleston, South Carolina, 144 miles, have both been improved into daily routes, in four-horse post coaches, extending the same advantages to those cities which were enjoyed by others in their intercourse with New Orleans, and with the flourishing mercantile towns through the centre of Georgia.

The routes from Columbia and from Camden, South Carolina, to Charleston, have been increased from tri-weekly to daily lines of post coaches.

A line of mail stages has been established from the mouth of St. John's river to St. Augustine, by means of which the communication by stages is extended from the Northern States along the borders of the ocean, to St. Augustine. This is the first stage route established in East Florida.

The route from Norfolk, Virginia, by Edenton, North Carolina, Newbern, Wilmington, and Smithville, to Georgetown, South Carolina, has been improved into a tri-weekly line of four-horse post coaches, connecting with the steamboat mail between Baltimore and Norfolk, and such expedition given to the whole, that the mail on that line is carried to Charleston, South Carolina, in steamboats and post coaches, from Philadelphia to Norfolk, 300 miles, in twenty-eight hours; to Edenton, 378 miles, in forty-two hours; to Newbern, 470 miles, in fifty-eight hours; to Wilmington, 568 miles, in eighty hours; and to Charleston, 766 miles, in five days and two hours.

The route from Salem, North Carolina, to Shown's cross roads, Tennessee, and thence to Knoxville, 252 miles, has been increased from once to twice a week, in post coaches, perfecting a line of coaches from Norfolk, Virginia, and from Raleigh and Fayetteville, North Carolina, to Knoxville and Nashville, Tennessee.

The route from Bean's Station, Ten., to Lexington and Frankfort, Ky., has been improved from a semi to a tri-weekly line of post coaches; and a line of post coaches has been established from Salem, N. C. to Wythe Court-house. These two improvements, together, perfect a tri-weekly line of post coaches from the southern part of Virginia, and from the Carolinas, to the seat of Government in Kentucky, and into all the Northwestern States.

The routes from Fredericksburg and from Richmond, Va., by Charlottesville and Louisburgh to Guyandotte, have been improved from a tri-weekly to a daily line of post coaches, and, in connexion with it, a daily line of steamboat mails has been established from Guyandotte, in Virginia, by Cincinnati, Ohio, to Louisville, in Kentucky. A tri-weekly line of post coaches has also been established from Guyandotte, Va., by Catlettsburgh, Ky., and Mountsterling, to Lexington.

The route between Louisville, Ky., and Nashville, Ten., has been improved from a tri-weekly to a daily line of four-horse post coaches, and so expedited as to run through, 174 miles, in less than two days; and the tri-weekly route between Cincinnati, Ohio, and Georgetown, Ky., has in like manner been changed into a daily route. The two improvements perfect the daily mail communication in post coaches between the seats of Government in Ohio, Kentucky, and Tennessee, by way of the commercial towns of Cincinnati and Louisville.

A line of post coaches, three times a week, has been established between Columbia, Ten., and Huntsville, Al., which completes the intercourse in coaches from the seat of Government in Alabama, to Nashville, Ten., and to the States north of Tennessee.

Tri-weekly mail coaches have been established from Frankfort, Ky., and from Cincinnati and Columbus, in Ohio, to Indianapolis, the seat of Government, in Indiana.

The route from Lower Sandusky, in Ohio, to Detroit, in Michigan, 102 miles, has been increased from three times a week to a daily line of four-horse post coaches, and so expedited as to run through in a little more than one day.

The whole line from Washington city and from Baltimore, via Wheeling, Va., to Cincinnati, Ohio, and to Maysville, Frankfort, and Louisville, Ky., has been so expedited as to run from Washington and from Baltimore to Wheeling, in two days; and to Frankfort in five days; making the time to Cincinnati and to Frankfort two days less than was ever occupied before. The mail may now be transported, during the summer arrangement, from Washington city and from Baltimore to Wheeling, 270 miles, in two days; to Cincinnati, 520 miles, in four days; to Louisville, Ky., in five days; and to Nashville, Ten., in seven days. From Philadelphia to the same places, but twelve hours more are occupied. The winter arrangement will require two days more for the whole distance.

The mails been Philadelphia and Pittsburg have been so expedited as to run through in fifty-six hours. The mail is now transported from Washington city and from Baltimore, via Pittsburg, Pa., Cleaveland and Lower Sandusky, Ohio, to Detroit, in Michigan, by daily lines of four-horse post coaches, in six days and fourteen hours, and from Philadelphia in seven days; being three days less than the time formerly occupied.

A line of four-horse post coaches has been established from Detroit, to run three times a week across the Territory of Michigan, 195 miles, to the town of Niles, on the river St. Joseph, and to run through in less than three days.

The whole route has been improved into a daily line of post coaches from Washington city and Baltimore, by York, Pa., Harrisburg, Northumberland, Williamsport, and Bath, N. Y., to Buffalo, on Lake Erie, and so expedited as to run through in five days.

Many other improvements have been made, and in other sections of the country, of considerable magnitude; especially in expediting and perfecting the mail intercourse between the United States and the British provinces upon our borders.

These improvements, which have considerably enhanced the expenses of the department, have already produced an increase of revenue that begins to be sensibly felt; and promise, within a short time, more than a remuneration for all their cost. Though improvements always incur an expense before the revenues which they yield can be realized, yet with all the increase of mail facilities during the year ending the 30th of June, 1832, the revenues of the department have, within a very inconsiderable sum, equalled its expenses.

The revenue of the department, comprising the whole amount of postages accruing within the year commencing July 1, 1831, and ending June 30, 1832, amounts to $ 2,258,570 17

The expenditures of the department within the same period, were,

For compensation to postmasters - -	$ 715,481 68	
For transportation of the mail - - -	1,482,507 22	
For incidental expenses	68,111 45	
		2,266,100 35

Making an excess of expenditure beyond the revenue for the year, of	7,530 18	
Within the same period there was paid into the Treasury of the United States, by irregular deposites, the sum of –	71 31	
Making, together, a reduction of the funds of the department, of –	7,601 49	
The surplus fund available to the department on the 1st of July, 1831, assuming that the whole amount of postage accruing from July 1, 1828, had been collected, was estimated to be – –		210,412 89
From which deduct the above sum of –		7,601 49
And the surplus available fund was, on the 1st July, 1832 – – – –		202,811 40

The revenue of the department was,

For the year ending—

June 30, 1829	$1,707,418 42
June 30, 1830	1,850,583 10
June 30, 1831	1,997,711 55
June 30, 1832	2,258,570 17

The increase of postage over that of the preceding year was,

For the year ending—

June 30, 1829	$ 108,540 46
June 30, 1830	143,164 68
June 30, 1831	147,228 44
June 30, 1832	260,758 63

Being a greater increase for the year ending June 30, 1832, by $113,530 19, than accrued during any preceding year.

This may be attributed, principally, to the improvements in mail facilities; and the increase for the current year may be safely estimated at a still greater amount. The contracts for the eastern section of the United States, comprising New York and the New England States, all expire on the 31st of December next, and have just been renewed, together with new contracts for transporting the mails on the routes established by law of the last session of Congress.

The annual amount paid for transporting the mail in that section, under the old contracts, is – – – – –		$ 328,945 92
The annual amount which will be required under the new contracts in that section, including all the old routes, with many important improvements, also for 142 new mail routes established in that section by the law of last session, is – – – – – – – –		421,156 19
Making an increase of expenditure in that section of – – – – –		92,210 27
The contracts have also been made for the new routes established by the law of last session in the other sections, amounting to 13,111 miles of new post roads on 298 new routes, for the annual sum of – – – –		71,945 75
Requiring together an annual increase of expenditure of – – –		164,156 02
These contracts will go into operation on the 1st of January next; and within the year which will terminate on the 30th June, 1833, one-half the above increase will be incurred, amounting to –		82,078 01

At a reasonable estimate of the progressive increase of revenue from postage, there will be more than a sufficiency to meet this sum.

The increase of postages for the year ending the 30th of June, 1832, was, as above stated, $260,758 63 above those of the preceding year; but, in an increase of postages, there is a corresponding increase of commissions for compensation to postmasters.

After deducting these commissions, the remainder, constituting the *nett* proceeds of postages, is applicable to the payments for transportation of the mails, and for the incidental expenses of the department. The *nett* proceeds of postages for the year ending June 30, 1832, exceeded those of the preceding year $180,305 43. If the ratio of increase in the *nett* proceeds of postages for the year which will end on the 30th June, 1833, shall only equal that of the year ending June 30, 1832, it will amount to the sum of $196,823 06 above that of the last year, which will exceed the additional amount required for transportation by more than a hundred thousand dollars, provided no further improvements shall be made, without estimating any thing for postages that may arise on the new routes. But a greater ratio of increase of the *nett* amount of revenue may be fairly calculated upon from the very extensive improvements which have been made; and the accounts of postmasters for the quarter ending on the 1st of October last, so far as they have been examined, exhibit an increase of *nett* proceeds of postages at the rate of $260,000 a year above those of the year ending on the 30th of June, 1832.

There were in the United States on the 1st of July, 1831, 8,686 post offices. The number on the 30th of June, 1832, was increased to 9,205. The constant supervision of that number of postmasters, correcting abuses, enforcing the strict observance of the laws and instructions, and, above all, requiring of each to account faithfully and promptly for all the postages received, are essentially necessary to all the other operations of the department; and while the present system is strictly adhered to in the order of the transactions of the department, it is confidently believed that its operations will be attended with harmony and success.

I have the honor to be, with high regard, your obedient servant,

WILLIAM T. BARRY,
Postmaster General.

REPORT FROM THE MAJOR GENERAL OF THE ARMY.

HEAD QUARTERS OF THE ARMY,
Washington, November, 1832.

SIR: I present, herewith, in conformity with your instructions of the 2d of August, the following returns of the army, and statements connected with the military service for the present year.

1st. A statement showing the organization of the army, marked A.

2d. A return of the actual state of the army, marked B.

3d. A return exhibiting the strength of the Eastern Department, designating the posts and garrisons, marked C.

4th. A return exhibiting the strength of the Western Department, designating the posts and garrisons, marked D.

5th. A statement showing the number of recruits enlisted in the army from the 1st of January to the 30th of September, 1832, marked E.

6th. An estimate of the funds required for the recruiting service for the year 1833, marked F.

7th. An estimate of the contingent expenses of the Head Quarters of the army, including those of the

office of the Adjutant General, for the year 1833, marked G.

In the month of March last, intelligence was received that the Menomonies, exasperated by a wanton and unprovoked attack and murder committed by the Sacs and Foxes on an unarmed party of their tribe, near the Prairie du Chien, in the month of August previous, meditated a descent on those tribes, with the intention of taking revenge for that outrage. Apprehending that this movement would lead to a general war among the Indians on the Northwestern frontiers, General Atkinson was directed to proceed to Rock island, with the effectual force at Jefferson barracks, and demand of the Sacs and Foxes the surrender of the persons concerned in the murder of the Menomonies; at the same time to station troops to be drawn from the posts on the Upper Mississippi, and from Fort Winnebago, at points on the Mississippi from which they might intercept the Menomonies in their contemplated descent, turn them back, and inform them that the Government had determined to see that justice should be done. While these measures were in progress, a large party of Sacs and Foxes under Black Hawk, among whom were those concerned in the attack and murder of the Menomonies, crossed the Mississippi at the Yellow Banks, and, uniting with the Prophet's band of Winnebagoes, in all about 800 or 1000 strong, took a position on Rock river, and assumed an attitude of defiance. Under these circumstances, it was not in the power of the friendly Sac and Fox Indians to surrender the murderers as demanded, although they had expressed a willingness so to do. Thus situated, General Atkinson did not conceive that the force under his command was sufficient to justify him in attacking the hostile party, lest an unsuccessful attempt should add to their numbers the waivering and disaffected, and especially as they had not, as yet, committed any act of hostility, although they evinced a desire to make war upon the whites.

The people settled on the frontiers of Illinois, alarmed at the appearance of so large a band of Indians in their immediate vicinity, with indications of no friendly feelings, fled from their farms into the interior of the State. The Governor of the State ordered out, in haste, and for no definite period, a brigade of militia, to assemble on Rock river.

These troops, after a march across the country to Ottowa, in quest of the Indians, became anxious for their discharge; which the Governor granted, retaining of those who were discharged, and volunteered for a further term of twenty days, enough to form six companies. In the mean time, however, instructions were sent to General Atkinson, authorizing him to call on the Governor of Illinois for such a militia force as would, with the regular troops under his command, enable him to act efficiently. Accordingly, three thousand mounted volunteers were ordered into the field by the Governor, on the requisition of General Atkinson, and assembled at Fort Deposit, near Ottawa, about the 18th of June, where they were organized. Towards the latter part of that month, the campaign was opened with these troops, and about four hundred regulars, then at Dixon's ferry, on Rock river. Black Hawk, finding himself unable to cope with so large a force, retired into the swamps and fastnesses, sending out, at the same time, parties of active warriors to pick up stragglers, and to attack defenceless settlements. In this manner, he annoyed the people residing in that part of Michigan called the Mining District, and murdered a number of our citizens, men, women, and children. The people, in different directions in the exposed country, fortified themselves, and, by occasional sallies, inflicted punishment on these ruthless savages. With a view to cover the exposed settlements in the counties of Joe Daviess, in Illinois, and Ioway, in Michigan, and to intercept the Indians should they attempt to cross in that direction, General Atkinson detached one brigade into that country; and, with the remaining force under his command, consisting of four hundred and fifty regulars, and about two thousand mounted volunteers, moved in the direction of the Four Lakes, in pursuit of the main body of the Indians, which was then understood to be encamped in a strong position in the swamps, about ten miles above Lake Goush-we-hawn. General Atkinson halted his army on White Water creek for the purpose of ascertaining the exact position of the Indians. After being frustrated in his attempts to discover them, he was obliged to disperse his mounted volunteers, on account of the low state of the supplies intended for their subsistence. One portion, under General Henry, was sent to Hamilton's, a distance of forty-five miles; and another, under General Dodge, to Fort Winnebago, a distance of thirty-five miles—two points where provisions were expected to be in deposit. Having received the supply of provisions, Generals Henry and Dodge returned to the swamp on the west side of Rock river, with a view of obtaining some information concerning the enemy. At the same time, General Atkinson, with the regular troops, and General Alexander's brigade of mounted volunteers, moved up on the east side of the swamp, with the same intention. Black Hawk, finding himself likely to be pressed on all sides, and being no longer able to supply himself with the means of subsistence, broke up his camp, and marched towards the Mississippi. The volunteers under Generals Dodge and Henry, discovering the enemy's trail, pursued it, and came up with him on the 21st of July, on the left bank of the Ouisconsin, about twenty miles below Fort Winnebago, where an engagement ensued, which lasted until 7 o'clock in the afternoon, during which the Indians found means to convey, across the Ouisconsin, their non-combatants and baggage. The volunteers having marched forty miles on the day of the action, exposed to the rain for more than six hours, and their arms being wet and out of order, were not in a condition to continue the pursuit that night. The next morning they found that the Indians had crossed the river in bark canoes, which they had, on the emergency of the occasion, prepared. The loss on the part of the volunteers was one killed and seven wounded; that of the Indians, it was found afterwards, amounted to sixty-eight killed, together with a large number wounded.

The moment General Atkinson was informed that the volunteers were on the trail of the enemy, he marched in pursuit, and arrived at the Blue Mounds, near the Ouisconsin, where he was joined, on the evening of the 23d of July, by the volunteers under Generals Dodge and Henry, who had retired to that place for a supply of provisions. The army being refreshed and provisioned, a select body, consisting of four hundred regulars, under Colonel Taylor, of the first regiment of infantry, and detachments of Generals Henry, Dodge, Posey, and Alexander's mounted volunteers, amounting in all to thirteen hundred men, crossed the Ouisconsin on the 27th and 28th of July, under General Atkinson, took up the trail of the enemy, and pursued it by forced marches, through a broken and difficult country, until the morning of the 2d of August, when they came up with the main body, on the left bank of the Mississippi, opposite the mouth of the Ioway; which they attacked, defeated, and dispersed, with a loss, on the part of the Indians, of upwards of one hundred and fifty men killed. Many were slain in attempting to cross the river; others escaped in that direction, while the remainder, among whom was Black Hawk, fled into the interior of the Winnebago country. Our loss in this engagement was comparatively small, being only five regulars killed and four wounded: of the volunteers, two officers and thirteen privates wounded.

On information being received by General Atkinson

that the Indians had quitted the swamp in the neighborhood of the Four Lakes, and marched towards the Mississippi, he despatched instructions to the commanding officer of Prairie du Chien, to take measures to intercept them, should they attempt to descend the Ouisconsin, or cross the Mississippi. In consequence of these instructions, a guard and an armed flat were stationed on the Ouisconsin, about twenty-five miles from its junction with the Mississippi; by which means a number of those who escaped from the engagement on the Ouisconsin were killed or captured. A steamboat in the employ of the Quartermaster's Department, armed with a field piece, and manned with about twenty men, was despatched up the Mississippi, to watch the motions of the Indians, and, on the 1st of August, discovered a large body of them on the left bank, making preparations to cross that river. The Indians at first attempted to deceive our party by declaring themselves to be Winnebagoes, and displaying white flags, at the same time inviting them to land. But the officer in command being aware of their intentions, fired upon them, and killed twenty-five of their number. The fire was smartly returned by the Indians, but without effect. This circumstance fortunately checked the Indians in their attempt to cross the river, and led to the action of the 2d of August.

The enemy being thus cut up and dispersed, General Atkinson conceived it unnecessary to pursue him further. He therefore fell down with his force to Prairie du Chien; from which place were despatched, on both sides of the Mississippi, parties of friendly Indians, to follow the fugitives, and bring them in; and it is believed that not an individual composing the band of Black Hawk has escaped being either killed or captured.

From the information which had been received at the seat of Government of the state of things on the frontier, and with the desire of putting a speedy termination to the war, without calling for any additional militia force, orders were given, on the 16th of June, for all the force that could be spared from the seaboard, the lakes, and the Lower Mississippi, to repair at once to the scene of action; and Major General Scott was directed to assume the general conduct of the war. Under this order, nine companies of artillery, equipped as infantry, drawn from Forts Monroe and McHenry, and from the harbor of New York, with a detachment of two hundred and eight recruits from the last mentioned place, and nine companies of infantry from the posts on the lakes, amounting, in all, to upwards of one thousand men, took up their march for Chicago, near the head of Lake Michigan, the point of rendezvous. Besides this force, two companies of infantry from Baton Rouge, Louisiana, proceeded, by the way of the Missssippi, to the head quarters of Gen. Atkinson.

From the promptness with which this movement was begun, and the rapidity with which it was conducted, reasonable hopes were entertained that the campaign would be but of short duration, and the hostile Indians completely subdued. Unfortunately, however, the cholera was just at this time making its way into the United States from Canada, and infected our troops while on board the steamboats, in their passage up the lakes; and such was the rapidity with which this disease spread among them, that in a few days the whole of the force sent by the lakes was rendered incapable of taking the field. Some were landed at Fort Gratiot, others were stopped at Detroit, while the principal part reached Chicago in a most deplorable condition. Of the six companies of artillery which left Fort Monroe, five companies arrived at Chicago, a distance of eighteen hundred miles, in the short space of eighteen days—a rapidity which is believed to be unprecedented in military movements. The loss by cholera in that detachment alone, was equal to one out of every three men. General Scott reached Chicago with the first detachment on the 10th of July, where he learned that General Atkinson, with his army, was at Lake Goosh-we-hawn, about eighty miles distant. Here the General found himself in a most perplexing predicament: only a part of his troops had arrived, and they dreadfully afflicted with the cholera. The remainder, which he daily expected, without knowing the cause of their delay, did not appear. He made General Atkinson acquainted with his arrival and orders, but dared not approach him with troops infected with a disorder that might, by being communicated to the army in the field, render the force of General Atkinson, like his own, unfit to prosecute the war, and thereby defeat the very object for the accomplishment of which he had come. Under this painful anxiety, General Scott directed General Atkinson to continue his operations without reference to him, professing, at the same time, the greatest confidence in his ability to bring the war to a successful issue, if the means at his disposal would enable him to do so. Gen. Scott, however, after awaiting a reasonable time, and not finding it possible to bring his troops into the field, left Col. Eustis in command of them, with orders to march in the direction of the enemy as soon as it would be prudent to move, and proceeded himself to join Gen. Atkinson.

At Galena, he received intelligence of the decisive action of the 2d August. He thence proceeded to Prairie du Chien, and, having made all the necessary arrangements for bringing the Indians who had commenced the war, within his power, he retired to Rock island, to enter into negotiations with those of the Sac and Fox Indians who took no part in the war, and the other tribes interested in the settlement of a peace. The troops under Colonel Eustis, in the mean time, marched across the country to Rock river, and were useful in making the necessary arrangements to give effect to the meeting of the Indians. Impressed with the folly of opposing the Government, and convinced of the impropriety of the conduct of those who were the aggressors, the several tribes yielded to an accommodation at once beneficial to themselves, and satisfactory, it is to be hoped, to the United States. Black Hawk and a number of chiefs are held as hostages under the treaty; the rest of the prisoners were returned to their respective tribes.

The war being concluded, the volunteers were discharged, and the several detachments of regular troops were ordered to their respective quarters, except two companies of the 4th regiment of artillery, which remain to garrison Fort Gratiot, on Lake Huron.

The corps of mounted rangers, authorized by the act of Congress of the 15th June, 1832, has been raised, but not in time to partake of the campaign against the Indians. Three of the companies have been ordered to Fort Gibson, to range the southwestern frontier, where the Indians of the interior have been restless for some time, and disposed to quarrel with those who have migrated thither. One company has accompanied the caravan to Santa Fe, as an escort, and two companies, after ranging the frontiers of Michigan and Illinois, have orders to retire into quarters for the winter, where they will be in a position to act on those frontiers, if circumstances should require their being called out before the spring.

On the requisition of the Governor of North Carolina, two companies of the 2d regiment of artillery were ordered from the harbor of Charleston, South Carolina, into the district or country occupied by the Cherokees, in the northwestern corner of that State, where the Indian title is not yet extinguished, to drive out intruders on those lands, who had been attracted thither by the prospect of obtaining gold, and other unlawful purposes. These troops were replaced by others from Fort Monroe.

The army, according to its numerical force, is efficient, and capable of performing, on correct military principles, any duty required of it. The officers are respectable in their habits and acquirements. While, however, I pre-

sent the army in this favorable light, I am compelled, by a sense of duty, to make it known to you, that the requisitions for officers, for the performance of various duties not connected with regimental affairs, are so numerous, that it is seldom as many as two officers are present for duty with each company. It may therefore be conceived how difficult it is to afford the necessary instruction to our soldiers, or to maintain that discipline in the army which is requisite, in order to render it efficient for active operations. The line of the army can supply officers for the general and regimental staff, and for the Military Academy and Ordnance Department; but it cannot bear the drafts made for assistants in the Engineer, Topographical, and Indian Departments, without impairing the efficiency of the several battalions of artillery and infantry. If the corps of engineers and topographical engineers were so augmented, by the authority of law, as to enable them to furnish officers for their appropriate duties, without assistance from the line, it is believed the public would be better served, and the interest of all parties promoted.

The several departments of the staff have had, in the late campaign, an opportunity of exercising their functions, under circumstances that were calculated to test their capabilities; and it is highly gratifying to be able to state that the most satisfactory evidences have been afforded of their efficiency.

I have the honor to be, sir, your most obedient servant,

ALEXANDER MACOMB,
Major General commanding the Army.

Honorable Lewis Cass,
Secretary of War.

REPORT OF THE QUARTERMASTER GENERAL.

Quartermaster General's Office,
Washington City, Nov. 29, 1832.

Sir: In obedience to your order, I have the honor to report the operations of the Quartermaster's Department for the 1st, 2d, and 3d quarters of the present year; and that the whole period, not heretofore reported, may be embraced, I include the 4th quarter of the last year.

The balance remaining to be accounted for by the several officers acting in the department, at the date of the last annual report, amounted to $34,490 71

To which is to be added—

1. Remittances, viz.		
In the 4th qr. of last year,	$185,903 00	
In the 1st qr. of present year	81,840 20	
In the 2d qr. of do.	265,443 45	
In the 3d qr. of do.	393,381 06	
		926,567 71
2. Proceeds of sales of public property no longer fit or required for public use, and of the rent of land and public buildings not required for military purposes, including $344 79, received by officers of the department previously to the 30th of September, 1831, the account of which was received at this office subsequently to the last report,		6,100 73
3. Errors, overcharges, and disallowances, credited by officers in their accounts for the 3d quarter of 1832,		178 40
Total to be accounted for		967,337 55
Of which there has been accounted for,		
1. By disbursements, viz.		
In the 3d quarter of 1831, and not included in the last annual report,	$30,566 05	
In the 4th quarter of 1831,	193,902 26	
In the 1st quarter of 1832,	96,440 38	
In the 2d quarter of 1832,	183,169 56	
In the 3d quarter of 1832, so far as accounts have been received,	374,264 33	
	$878,342 58	
2. By deposits to the credit of the Treasurer of the United States,	1,764 83	
		880,107 41
Leaving a balance in the hands of the various officers of the department, on the 30th of September, to be accounted for, of		$87,230 14

The accounts of eleven officers remain to be received, which will probably reduce this balance $10,000.

Of the balance unexpended, the sum of $50,000 was in the hands of the quartermaster at Detroit. The large remittances made to that officer, were to enable him to provide promptly for any unforeseen events or calls connected with the campaign against the northwestern Indians. Ten thousand dollars have since been drawn out of his hands for disbursement, by the quartermaster at New York, and the balance is applicable to the current service, and to the payment of accounts for services rendered and supplies furnished during the campaign. The remaining twenty-seven thousand dollars is composed of small sums in the hands of more than fifty officers at the several posts in the Union, and of one on duty in Europe, and applicable to the service of the present quarter. The whole amount of the balances in the hands of all the officers of the department, it is confidently believed, will be faithfully applied to the public service, and accounted for at the close of the present quarter.

The large amount of public property under the administration of the department, as well as in the hands of quartermasters, as company officers, is promptly and faithfully accounted for.

The balances remaining in the Treasury, of the several appropriations for the Quartermaster's Department proper, with the amounts due to those appropriations, for expenditures made on account of other departments, will probably be sufficient for the wants of the service to the end of the year.

Of the works under the direction of the department, the road from Washington to Jackson, in the Territory of Arkansas, was reported by Lieut. Collins, who superintended its construction, as entirely completed on the 1st of August.

The repairs on the road from St. Augustine to Pensacola, in Florida, are in progress, and will probably be completed, as far as the appropriation will permit, during the present year.

The military road in the State of Maine is not entirely completed. It is, however, in its present state, of great public utility. The appropriation already made will be sufficient, and I confidently believe it will be finished by the last of September, 1833.

In April last, instructions were given to survey and open a road from Fort Howard to Fort Winnebago, but the reduction of the force at Green Bay prevented the execution of the instructions. An additional appropriation having been made by Congress, late in the last session, for this road, and to extend it to Fort Crawford, subsequent instructions became necessary; they were given by the quartermaster at Detroit, by order of the Secretary of War. The civil commissioner appointed, jointly with Lieutenant Center, to explore and survey the route, not having arrived at Fort Howard on the 21st of October, Lieutenant Center commenced the duty alone on that day.

The difficulties experienced in the recent operations against the Indians, in the movement of troops, and the

transportation of supplies, prove the necessity of several good roads to intersect the extensive territory lying between the frontier settlements of Indiana and Illinois, Lake Michigan, and the Fox and Ouisconsin rivers; and I respectfully recommend, as a most important measure for the protection and defence of the Northwestern frontier, that roads be authorized from Chicago to Galena, from Chicago to Fort Winnebago, and from the latter to Galena, as well as from some suitable points on the Illinois river to Chicago, and to intersect the road thence to Galena.

The barracks and quarters at Fort Crawford and Fort Howard are not yet completed, and, in consequence of the troops at those posts being so employed as not to furnish the mechanics required, a further appropriation will be necessary for each post. I have estimated eight thousand dollars for Fort Crawford, and ten thousand dollars for Fort Howard.

Baton Rouge, in Louisiana, being an important position, and being the principal ordnance depot for the Southwestern States, a thorough repair of the barracks and quarters are considered necessary; as well as the building of a suitable hospital. For both objects, I have estimated that twenty-five thousand dollars will be required.

Pittsburg being an important entrepot between the principal depot at Philadelphia and the western posts, I would recommend that a storehouse, and quarters for the storekeeper, with a stable for public horses, be erected on the public lot in that city. Five thousand dollars will be sufficient to complete the work, and for that sum I have estimated.

The season had so far advanced before the appropriation for quarters, barracks, and storehouses, at New Orleans, was made, that measures could not then be taken to carry into effect that object; and in consequence of the situation of New Orleans, from yellow fever and other fatal diseases, nothing has yet been done. So soon as favorable accounts be received of the health of the city, an officer of the department will be detached, to select a suitable site, and make arrangements to commence the work in the course of the winter.

The appropriation for the Delaware breakwater not having been made until the 3d of July, operations were not resumed there until the 11th of that month. The work has, however, been prosecuted with so much energy, that we have succeeded in depositing about ninety thousand perches of stone, from that time to the close of the operations on the 10th instant. The whole length of the foundation of the breakwater proper, on which deposits of stone have been made, is 1893 feet, of which 1419 feet is raised to the height of 3½ feet above the plane of low water, and 474 feet to its destined height. The ice-breaker has been considerably enlarged during the season, to an extent of 575 feet in length by 60 feet in breadth. This work has been raised from three to four feet above the plane of low water, 151 feet of which has been brought up nearly to its destined height.

Of the appropriation for the present season, it is estimated that from fifty to sixty thousand dollars will be applicable to the service of the ensuing year. This sum, with 270,000 dollars, which I have estimated for the next year, will enable us so to extend the harbor, as to furnish protection to forty or fifty vessels at a time.

The storms of the last winter were, perhaps, more severe than those of winters generally, and the fact of the work having resisted their power, and afforded protection to all vessels that took shelter under it, gives assurance that the anticipations of the public will be entirely realized when the whole shall have been completed.

I have the honor to be, sir, your obedient servant,

TH. S. JESUP,
Quartermaster General.

The Hon. Lewis Cass,
Secretary of War.

REPORT OF THE CHIEF ENGINEER.

Engineer Department,
Washington, November 13, 1832.

Sir: In compliance with your instructions of the 29th of August last, I have the honor to submit the following report of the operations of this department during the year ending on the 30th of September last, accompanied by statements marked A, B, and C; the first two relating to its fiscal concerns for the same period, and the last exhibiting the works projected by the Board of Engineers, which have not been commenced, and an estimate of their cost.

1st. FORTIFICATIONS.

Fort Independence, Boston Harbor, Mass.—It has been found impossible to execute the intentions of the law making appropriations for the repairs of this work, and preservation of Castle island, as the services of an engineer could not be commanded for that object. It is proposed, however, to make some arrangement this winter, by which the whole of the repairs, necessary to be made to this work, may be completed in the course of the next year; and, with this view, an estimate of the funds which will be required, in addition to those already appropriated to make up the estimated cost of these repairs, has been submitted.

George's Island, Boston Harbor, Mass.—(The site of a fort of the first importance, projected for the defence of the harbor.) The sea wall for the preservation of this island is completed, leaving a small amount of the funds appropriated for that purpose unexpended. This unexpended balance is retained to remedy, in the spring, any defect in that structure which the action of the coming winter may develop.

Fort Adams, Newport, Rhode Island.—The most satisfactory progress has been made in this work during the past season. The operations on it have been directed, principally, to the turning and roofing the casemate arches of the main work; to the completion of the scarp wall on the east front; to the construction of permanent galleries under the southwest bastion, the counterscarp walls of the southeast and southwest exterior fronts; and the permanent drains of the work generally.

Fort Hamilton, Narrows, New York.—The additions which were deemed necessary to complete this work, and which consist, mainly, of the means for draining the water from the roofs of the casemates, and in the construction of gun traverses, are in such a state of forwardness, as to induce the expectation that the whole will be finished by the end of the present month.

Fort Columbus and Castle Williams, New York Harbor.—The repairs of Fort Columbus have been prosecuted in the most efficient manner. The repairs of the scarp walls were commenced last fall, and, before the operations were suspended by the approach of cold weather, upwards of 458 cubic yards of heavy masonry were constructed: materials having been received and prepared during the winter, operations were resumed early in the spring, and continued, without interruption, till the month of August last, when the work was abandoned in consequence of the alarm created by the malignant cholera, which was, at that time, raging with considerable violence among the workmen. The necessary measures having been taken to ensure the health of the laborers, this interruption was of short duration, and, on the 4th September last, the works were progressing with their usual vigor. The stone masonry laid within the year ending 30th September, amounting to 2470 cubic yards, extends about three-fourths around the work, two-thirds of which are finished and capped. The present barrack and quarters for the officers are in so bad a state of decay, independent of their want of comfort and room,

as to require, to repair them perfectly, the entire removal of their floors, ceiling, and roofs; the mere shells that would remain, not being worth preserving, it is deemed advisable to take advantage of the opportunity, thus offered, to remove these barracks to a situation within the work, which, besides offering the means of providing for the accommodation of a greater number of troops, would free its parade from a serious inconvenience arising from their present position. The cost of constructing the new quarters will be embraced in the estimate for the repairs of this work.

Nothing further has been done towards the repairs of Castle Williams, than to construct a pier head for the accommodation of vessels engaged in the delivery of materials for that purpose.

Fort Monroe, Hampton Roads, Virginia.—The counterscarp wall of this work is finished, nearly one thousand feet having been constructed within the year; the scarp walls on fronts 5, 6, and 7, are pointed; and a considerable portion of the casemated covert-way was arched; the exterior revetment in part constructed; nearly 1000 feet of slope wall in the ditch finished; the ditch on fronts Nos. 4, 5, and 6, nearly excavated; a half parapet placed on front 3; and about one half of the counterscarp opposite fronts 1, 2, and 3, riveted with sods, when, in the month of August last, the malignant cholera made its appearance among the laborers, and compelled the engineer in charge of these works to suspend his operations. This suspension, the effects of which are still felt in the difficulty experienced in procuring workmen, will not only retard the completion of the unfinished parts of the work above referred to, but will also add to their cost. It is, nevertheless, believed, that the available funds will be adequate to the completion of the covert-way, the ditch, and the ramparts, though a part of the coming year will be necessary for their accomplishment. The funds already within the control of the department for this work are adequate to defray all its expenses during the present year, and the first quarter of the next; and it is believed that the amount of the estimate for '33 will be sufficient to complete it.

Fort Calhoun, Hampton Roads, Virginia.—The masonry at this work having been suspended for reasons stated in my last report, nothing of importance has been done at it, further than to receive the materials that will be required in its construction; distribute them over those parts of the site to be occupied by the walls in which they will be used; and to observe the degree of settling produced by the mass of materials already collected. In 1831, this settling amounted to six inches, and, during the year ending 30th September last, it was but little more than three inches—indicating, clearly, a tendency in the pile to assume a fixed position, at the same time that it shows the necessity of loading the work, and allowing time for the equilibrium to be established. To give to the work the relative relief contemplated in the original plan, it will require 20,000 tons of stone to compensate for the subsidence of the mole during the two last years. The estimate for this work, for the next year, is based upon the supposition that 26,000 tons of building and breakwater stone will be added within that year.

Fort Macon, Beaufort, North Carolina.—As anticipated in my last report, this work is nearly finished. The operations, at present, are principally directed to the construction of works for the preservation of its site, and the funds already available for them will be sufficient for their service during the next year.

Fort at Oak Island, Cape Fear River, North Carolina. This fort is reported as being ready to receive a garrison, though it is not entirely completed, in consequence of a want of funds for that object. The deficiency in the amount of funds necessary to complete this fort within the past year, as anticipated, is, owing to a mistake in the estimate furnished last year by the local engineer having charge of the operations at Oak island—a mistake which had its origin in several circumstances explained by that officer. The parts of this fort which remain unfinished, and to the completion of which it is proposed to apply the funds asked for in the estimate already submitted, are the gun traverses, furnaces for heating shot, and the works for the preservation of its site.

Fortifications in Charleston Harbor.—The operations at Charleston have been directed, during the past year, to the preservation of the site of Fort Moultrie, and to the formation of a mole on the shoal opposite to this fort, to be occupied as a foundation to the new work projected for the defence of the harbor. One hundred and eighty tons of stone have been added to the breakwater at Fort Moultrie, and, in July last, the site of this work was considered secure for some time to come, though the abrasions of the sand, on the west side, were considerable. As it is deemed essential to the preservation of Fort Moultrie, that this encroachment of the sea should be arrested as soon as possible, it is proposed to apply a portion of the funds estimated for the service of the fortifications in Charleston harbor, during the next year, to this object. The mole for the new work has progressed as rapidly as could have been expected: upwards of 22,000 tons of stone have been added to it during the past year.

Fort on Cockspur Island, Savannah River, Georgia.—From the date of my last annual report to the beginning of July last, when the engineer having the superintendence at Cockspur was assigned temporarily to duty on the Cumberland road, the progress in the construction of this fort was, in a high degree, satisfactory. The materials for the foundation of the work having been prepared, the grillage would have been entirely laid within that period, but for an alteration in a part of the foundation, which a better acquaintance of the substrata of the ground suggested as being necessary to ensure a uniform stability throughout the work. About one-half of the grillage, however, was laid and secured; the piles which are necessary for the southeast front were driven; the excavation for the entire rampart was made; the earth for the glacis of four fronts, and for the rampart of the out work deposited; and considerable quantities of materials, of various kinds, were received and prepared for use, when the work was left, at the time above stated, in a situation to resume operations, with advantage, as soon as the officer having the direction of it shall have returned to his post.

Fortifications at Pensacola, Florida.—The operations for the construction of the fort on Santa Rosa have been conducted with as much advantage as the limited amount of appropriation, for the past year, would allow. All the materials have been delivered agreeably to contract, and the condition of the work is in a high degree favorable; the most important parts that remain to be finished, being of a nature to justify the belief that the whole work might be completed in the course of six months, or less, should occasion require it. The estimate for this work, for '33, contemplates its completion within that period.

Fort at Mobile Point, Alabama.—The operations at this work, during the past year, have been directed, principally, to the formation of the ramparts, banquettes, and glacis. Since my last report, it has been discovered that the *blindage* of the citadel, which was constructed of wood, was in so bad a state of decay as to require its entire removal; it has been, accordingly, removed; and the proper measures taken to replace so much of it as may be necessary for the immediate service of the work, omitting that portion which will not be required till the fort is in a state of siege. This will increase the amount of funds that, otherwise, would have been sufficient to complete the work, which, it is hoped, will be accomplished in the course of the coming year.

No estimate of funds has been received from the local engineer; the estimate submitted is based upon that furnished last year, after allowing for the additional expense which will be incurred in rebuilding the *blindage*.

Battery at Bayou Bienvenu, Louisiana.—The repairs of this work were a good deal retarded in the early part of the year by the inclemency of the season, and the difficulty of procuring laborers. The spring having been unusually rainy, not only impeded the progress of the masonry, but rendered it necessary to postpone the excavations till they could be resumed under more favorable circumstances. Notwithstanding these difficulties, the repairs were prosecuted with considerable success before the commencement of the sickly season, during which nothing has been done. They will be resumed as soon as the nature of the climate will permit.

Fort Wood, Chef Menteur, Louisiana.—Owing to a want of engineers, the repairs of this work were entrusted to the management of an officer who was already engaged in the discharge of important duties at another and distant post; and this officer not being able to leave the service with which he was occupied till late in the working season, it became difficult, if not impossible, to procure sufficient laborers and suitable materials; so that, but little progress has been made towards completing these repairs.

Tower at Bayou Dupre, Louisiana.—This tower was so far completed during the last season, as to require no further appropriation. The damages sustained during the hurricane of August, 1831, have been repaired, and the battery, in advance of the tower, nearly finished, as contemplated in the original plans of this work: the whole may be finished in a few weeks.

A portion of the funds provided by the appropriation for contingencies of fortifications has been applied to the repairs of Fort Jackson, Fort Washington, Fort McHenry, Fort Wood, Fort Moultrie, Fort Pike and Petitte Coquille, Tower Dupre, Battery Bienvenu; to the construction of a wharf at Fort Monroe; and to defray the expenses of the survey of Provincetown harbor, with a view to its fortification, as required by a resolution of the House of Representatives, of 26th January last, and which was referred by you to this office for execution. This survey is now in course of execution.

Before closing the subject of fortifications, I would call your attention to that part of my last annual report which suggests that, as several of the works already mentioned will be completed during the ensuing year, appropriations be recommended for commencing the forts projected at Throg's Point, New York; the reconstruction of Fort Delaware, in the Delaware river; Soller's Point Flats, Maryland; Bald Head, North Carolina; the Barrancas on Foster's Banks, Pensacola harbor, Florida; and for Grand Terre, Louisiana; an estimate for which will be laid before you. I would also renew the representations then made, of the expediency of suggesting that the appropriations for fortifications be made at as early a period of the approaching session of Congress as practicable.

2d. INTERNAL IMPROVEMENTS.

La Plaisance Bay, Michigan.—In compliance with your instructions, the officer having charge of the Detroit and Chicago road, was directed to superintend the operations on the piers at this place; and, under the expectation that the pier formerly built could be repaired, and placed in a state to meet the wants of the harbor, he was directed to make the necessary examination, and to report the result to this department. The presence of this officer having been required at the seat of Indian disturbances last summer, the examination could not be made before the beginning of September last, when it was found that the whole of the old pier, with the exception of about 200 feet, had been washed away and rendered useless by the storms and ice of last winter. That part of the pier built by contract, before the work was placed under the direction of this department, has been completely carried away, leaving only a few stones and the foundation timbers to mark the place where it stood. Arrangements will be made for its construction early next spring.

Huron River, Ohio.—The harbor at the mouth of this river is, at present, in good condition. No new works having been constructed during the past season, the funds, thus far, have been applied in such manner as was deemed necessary to place those already constructed in a condition to resist the effects of the tempestuous season, and to prevent their being injured by the spring freshets. Some additional works are yet necessary to complete this harbor, though no further appropriation will be required for that object.

Black River, Ohio. The public works at this harbor are in good repair, and are believed to be secure against the recurrence of an accident which, in November last, deprived the east pier of about sixty feet of its length, to a depth of three feet below the surface of the water. This damage has been repaired, and the pier extended about forty yards into the lake. A part of the appropriation for the present year having been absorbed in the repairs rendered necessary by the accident above referred to, that appropriation will not be sufficient to complete the work at this harbor, as anticipated; and an estimate of the amount necessary to effect this object, has, therefore, been submitted.

Cleaveland Harbor, in Ohio.—The funds appropriated for the works at this harbor, have been applied to their completion, by filling in the piers which had settled, driving piles to render the works more secure, and providing them with the necessary appendages to prevent injury from collision with vessels entering the harbor. These works, by the close of the season, will be rendered secure, and no further appropriation will be necessary for them.

Grand River, Ohio.—This harbor is in good condition, and no further provision for funds will be necessary to complete its works, and place them in good order.

Cunningham Creek.—The means provided for the erection of a pier head at this place, are not sufficient to complete that structure according to the plan adopted. About two-thirds of it have been constructed and rendered secure, and an estimate of the funds requisite to finish it has been submitted.

Ashtabula Creek, Ohio.—The operations at this harbor have been directed to the perfection of the works for its protection, and to the removal of obstructions at the mouth of the creek. These obstructions consist of rock, situated about 6½ or 7 feet below the surface of the water, and, thus far, but little progress has been made in removing them; experiments, however, are now in progress, which, it is hoped, will result in the suggestion of some plan for their speedy removal. An estimate has been submitted for widening the entrance to this harbor.

Conneaut Creek, Ohio.—The pier at the mouth of this creek has been extended sixty feet in the lake since my last report; and it is believed that the funds already available for it, will be sufficient for its completion.

Presque Isle, Pennsylvania.—The works at this place are in as good a state of preservation as can be expected under all the circumstances. The breach through the peninsula at the head of the bay is represented as having an injurious effect on the harbor; it is increasing in width though not in depth: and fears are etnertained that the whole of the peninsula will be removed, and that the sand from it will be washed into the harbor. To close this breach, or to confine it to a channel sufficiently large to allow the passage of vessels through it, would require an

appropriation equal in amount to the whole sum already expended on this harbor. During the past season, besides paving 400 yards of the north breakwater, that structure has been extended 200 feet towards the main land, leaving a distance of 400 yards yet to be constructed, for which an estimate has been submitted. The space between the end of the breakwater and the main land has increased considerably since my last report, but it is confidently believed that when it is closed no other breach can be made.

Dunkirk, New York.—The pier erecting at this place has been extended from the main land 136 yards, and filled in with stone to the surface of the water, making the whole extent of this pier 416 yards. Should the weather prove favorable, ten additional cribs of thirty-four feet each will be sunk, and filled, as above, this fall. No additional funds will be necessary to complete this pier at the distance contemplated; which will carry it to ten feet water.

Buffalo, New York.—The works for the protection of this harbor have the appearance of being strong and durable. An estimate of the funds necessary for their prosecution and completion has been submitted.

Black Rock Harbor, New York.—The funds appropriated for the improvement of this harbor have been applied to the construction of an ice-breaker for turning the ice and current of water from the harbor, which, heretofore, have caused considerable injury to the piers at that place. No estimate having been received from the agent at these works, and having understood that the last appropriation will be sufficient to complete them, no funds, in addition to those already available, will be required.

All the harbors on the south shore of Lake Erie are in a situation to offer protection and safety to vessels navigating the lake, and to afford facilities in transferring the produce of the surrounding country to market. The application of the moneys appropriated by Congress for the improvement of these harbors, has given to the people a spirit of enterprise and industry, which is perceptible on the whole south shore of the lake. The plans adopted for deepening channels at the mouths of rivers which were choked up with sand, have afforded, in their execution, a result far exceeding the expectation of all who were acquainted with their situation prior to the commencement of their improvement. The loose sand has been driven from the channels by the force of currents created by works for that purpose, and the water now rests upon a compact bottom, giving, except at Ashtabula, a sufficient depth for all vessels navigating the lakes. But as these works are in part constructed of perishable materials, and as their completion is near at hand, it is highly important that provision should be made by which the injuries to them, arising from decay and unforeseen accidents, may be repaired, and their usefulness preserved.

Genesee River and Big Sodus Bay, New York.—The progress made in the improvements at these places during the past year, is of the most flattering character. Although the appropriation for these works became available late in the season, yet such had been the previous preparation of materials, and such the fitness of the weather for work, added to the unusual good health of the workmen, that the piers at both of these places have advanced beyond the most reasonable expectations. The number of cribs constructed during the past season, and put in place at the Genesee river, is twenty-eight, and, at Big Sodus, thirty; all of which have been well secured, both above and below the surface of the water. The resistance which these piers have opposed, thus far, to the storms and large masses of ice, affords additional evidence in support of the opinion before expressed, that they will accomplish the object for which they were intended, viz. useful and safe harbors of refuge for vessels engaged in the foreign and domestic trade. Recent examinations at Genesee, compared with previous surveys, show an increased depth of water from the mouth of the river to a point in the lake as far out as the ends of the piers. The channel, which at present affords not less than ten feet water, was formerly obstructed with sand bars, over which no vessel could pass having a draught of more than six feet. The action of the river currents upon the bed, seems to indicate that 200 additional yards of pier work will complete the improvement of that river, which may be accomplished in the course of the coming year.

It is believed that all the operations at Big Sodus bay may be brought to a close during the approaching year, except that of bridging, which will be commenced as soon after the completion of the pier work as possible, with a view to connect the interior with the exterior channel.

Oswego, New York.—The improvements at this place have been prosecuted during the past year with much zeal and success. The piers, to an extent of several hundred feet, are already raised to the height required by the plans; and should the present fall prove favorable as to weather, they will be completed before its termination. Already, many of the benefits which were anticipated from these structures have been realized in the perfect protection which they afford against the encroachments of the heavy sea experienced at this place. By the addition of nearly four thousand cords of stone, the mole has been raised, for a distance of three hundred feet, to a level with the surface of the water; and experience, thus far, seems to place the question as to its permanency beyond all doubt. An estimate of the funds necessary to complete these works has been submitted.

Kennebeck River, Maine—The operations for removing the obstructions to the navigation of this river, at Lovejoy's Narrows, it is believed, are brought to a close before this time.

Kennebunk River, Maine.—The last appropriation for the repairs of the piers at the mouth of this river, became available too late in the season to apply with advantage any portion of it to the object for which it was intended. The winter being the most favorable season for purchasing timber and other materials, it is probable that no work will be done on the piers until the commencement of the coming year. There being a considerable quantity of materials on hand, no additional appropriation will be necessary for this improvement for 1833.

Berwick Branch of the Piscataqua River.—But a part of the small sum appropriated for improving the navigation of this river at Quamlegan rapids, has been applied, in consequence of the unusual continuance of high water. This improvement will be completed, however, in the early part of next year, should the state of the water permit; and the funds already in the hands of the agent will be sufficient for that object.

Merrimack River, Massachusetts.—The effects thus far produced by the pier at the mouth of the river, afford the most satisfactory indications that the object contemplated by its construction will soon be, in part, realized. The hillocks of sand at the bottom of this river, which greatly impede its navigation, are much reduced; the channel opposite Black Rock is both deepened and made wider, and affords a good and safe anchoring ground. No effect, however, is produced upon the bar at the entrance of the river.

Deer Island, Boston Harbor, Massachusetts.—The sea-wall which forms a part of the works now in course of construction, for the preservation of this island, in several places, and to an extent of several hundred feet, is raised as high as originally contemplated; a part of the breakwater in front of this wall is constructed; and arrangements are made for the delivery of the materials necessary for the prosecution of these improvements

during the remainder of the working season. The funds already available for these works will, probably, be sufficient to complete them, unless those portions of them which are already constructed sustain an injury during the approaching winter, which is not at present apprehended.

Plymouth Beach, Massachusetts.—The operations at this place have been confined, principally, to the north-eastern extremity of the beach, where a wall has been erected to the extent of 450 feet, in the most substantial manner. The planting of grass, and other means of protecting the beach, have also been continued. The general condition of the beach is very good; the grass is increasing and flourishing in a remarkable degree, and the works seem to have produced the desired effect.

Provincetown, Massachusetts.—The plan of improvement for the preservation of the harbor at this place, contemplates the planting of beach grass to arrest the progress of the drifting sand, which occurs there with almost every northerly wind, and which threatens, if not checked, to fill up this very important harbor, as well as to lay waste the town itself. The spring being the only season in which this grass can be planted with any hope of its being productive of the desired end, no part of the appropriation made at the last session of Congress has been applied, as it was not available before the middle of summer.

Hyannis Harbor, Massachusetts.—The operations for the extension of the breakwater at this harbor have been prosecuted during the past season; but no report having been received from the agent, I am unable to state its exact condition.

Stonington, Connecticut.—As anticipated in my last annual report, the breakwater at this place is completed; the citizens of the borough of Stonington, and others interested in the navigation of that place, evince, however, a strong desire for an extension of this improvement, by the placing of buoys at three or four points, to indicate the position of certain reefs and shoals in the immediate neighborhood of the harbor. By the projection of the pier into the channel, the passage to the inner harbor is narrowed to such an extent as frequently to cause vessels, in their efforts to avoid the end of the pier, to ground upon the shoal which is immediately opposite. It seems, therefore, to be important that the position of this shoal be well defined, and, as the unexpended balance of the appropriation which was made for the pier, is more than sufficient to accomplish this desirable end, it is respectfully recommended that it be applied for that purpose.

Mill River, Connecticut.—The breakwater and dyke at this harbor having been finished, agreeably to the original plans, they were found not to be of sufficient extent to answer all the purposes for which they were intended. An estimate was therefore submitted, and an appropriation made for their extension: contracts have been entered into for the necessary additions, both to the breakwater and the dyke; and on the 30th September, the former was about one-fourth, and the latter about one-third executed. The contracts provide for their completion by the 1st of January next.

Harbors of Newcastle, Marcus Hook, Chester, and Port Penn, Delaware River.—A dredging machine has been kept in operation at these harbors, but their precise condition is not known to me, as no report in relation to them has, as yet, reached this office.

Ocracoke Inlet, North Carolina.—Ample preparations were made for the improvement of this navigation at an early period of the past season, but, for want of funds, operations were not commenced until late in July last, when the appropriation became available. Since the middle of August, the dredging machine has been at work on the shoal at the junction of Wallace's channel with the Beacon Island sound, the common anchorage ground for outward bound vessels. From this shoal nearly eight thousand cubic yards of sand have been removed within the period of six weeks, giving an increased depth over that shoal of from 7½ to 9 feet water at flood tide, and a channel about fifty yards wide. There only remains the obstruction presented by the bar of the Flounder Slue, which is the most extensive, but which has already a depth of little more than seven feet water over it at high water. It is intended to operate on this shoal during the remainder of the season, as an increased depth of six inches will render the channel of Flounder Slue superior to any other in that navigation, being the shortest by one mile, most favorable for the prevailing winds, and having a good harbor near Shell Castle.

The most gratifying circumstances attending the operations at Ocracoke, is the apparent permanency of the work already accomplished, which is such as to induce a strong belief in the ultimate success of the experiment. A new boat, with machinery of greater power than that heretofore employed, was finished in the latter part of September, and is, before this, in operation in conjunction with the old boat. An additional appropriation being necessary for carrying on these operations during the year 1833, an estimate of its amount has been laid before you.

Cape Fear River.—The lower western jettee on this river has been completed during the past season, as also, that near Barnhard's creek, on the opposite shore, with the exception of about 200 feet which remain to be flanked. To prevent the effect of the strong currents of that river on these jettees, wings have been constructed at intervals along their whole extent. Other jettees have also been provided with wings to the extent of nearly one thousand feet; notwithstanding which, doubts are entertained as to their stability: the operations of the dredging machine have been greatly retarded during the same period, in consequence of the failure of many parts of its machinery, and of the difficulty, indeed impossibility, of having repairs of the nature required done nearer than Baltimore. A survey of this river will soon be made, with a view to making a chart of it, which, it is believed, will exhibit an increased depth of water of about one foot in the channel.

Savannah River, Georgia.—Nothing has been done, thus far, towards applying the funds provided by Congress at its last session, for improving the navigation of this river, between its mouth and the city of Savannah. The direction of the improvement has been assigned to the engineer having charge of the works of fortification now in progress of construction on Cockspur island. The services, however, of that officer, having been required during the past summer on the Cumberland road, east of the Ohio, to superintend its repairs, he has been unable, as yet, to give his attention to this subject; but will, as soon as his other duties allow, make the necessary examination, and commence operations.

Inland navigation between the St. John's and St. Mary's, Florida.—An examination of this passage having been recently made by the assistant engineer under whose personal supervision the operations for its improvement were formerly conducted, and his report upon the subject being in accordance with the views of this department, an estimate of the funds necessary to accomplish the object of the report, has been submitted.

St. Mark's Harbor and River, Florida.—The operation of dredging in the harbor of Saint Mark's is brought to a close, by which an increased depth of water, of four feet, has been attained in the channel leading to the town of Saint Mark's, except in one place, where this operation was interrupted by a rock, over which there is only a depth of 8½ feet. Efforts were making, on the 30th of September last, to deepen the channel over this rock,

which the plan of operations adopted by the officer having charge of the work, and the very favorable report on these improvements just received from the assistant engineer, give every reason to hope it will prove successful. The cut through the natural bridge over the Saint Mark's river, has been commenced; and the boats and machinery necessary to prosecute the improvement above this bridge, having been transferred over it, and all the preparations accomplished, it is expected that operations will be carried on with despatch.

Appalachicola, Florida.—The improvement of the navigation of this river has been completed so far as it is deemed practicable to expend funds for that object with any hope of success; there having been removed, during the past season, all the obstructions that were inaccessible last year in consequence of high water, and the banks having been cleared of all the heavy timber likely to fall into the river, and present new obstructions. A part of the appropriation for this work is unexpended.

Harbor of Mobile, Alabama.—The operations for deepening the channel through Choctaw Pass, in this harbor, having been suspended for reasons stated in my last annual report, they were not resumed before the beginning of August last, in consequence of difficulties experienced in reclaiming the dredging machine which was sunk in several feet water. Since August, however, the machine has been in successful operation.

Pascagoula River, Mississippi.—The works at this place have not, as yet, been resumed. During the suspension of his operations, caused by the transfer, last year, of the funds for this improvement to the surplus fund, the contractor removed the machinery which he had in operation at this river to New Orleans; and had not, at last advices from the agent, been induced to resume the execution of his engagement.

Red River, Louisiana.—The appropriation for overcoming the obstructions presented to the navigation of Red River, by the Great Raft, became available at too late a period in the season to make the necessary preparations for continuing the works on that river during the past summer, as almost all the supplies for the support of the force requisite for their prosecution can only be forwarded to the point at which they would be required at the season of high water. Nothing has been done, therefore, at this improvement since operations were suspended for want of means. This is the less to be regretted, as it is believed, from the reports received at this department, as well as from verbal information entitled to great credit, that the plan of operations heretofore pursued is not such as to afford, even in its accomplishment, any lasting benefit to the navigation of that river. Instead of deepening the bayous, and connecting them by short canals, and thus opening a communication around the raft, it is the opinion of persons who have had opportunities of judging, that the raft itself might be removed through the agency of one or two of the steamboats at present employed in improving the navigation of the Mississippi and Ohio rivers, at an expense not exceeding that which would attend the execution of the plan already adopted. This being the opinion also of people residing in the neighborhood of the raft, it was deemed advisable to suspend further operations till one of the boats alluded to could be despatched without injury to the service on which she is at present engaged, to ascertain, by trial, the possibility of effecting its removal. In addition to the benefit which the removal of the raft would confer upon the navigation of the river, it would reclaim, by drainage, an immense tract of valuable land, which, otherwise, must lie waste till the water with which it is at present covered is carried off through its natural channels.

Arkansas River, Arkansas Territory—Nothing has been done towards making the examination required on this river, in consequence of the want of an officer of engineers whose services could be rendered available for that purpose.

Mississippi and Ohio Rivers.—For information on the subject of the improvement of these rivers, I beg leave to refer you to the accompanying report of the superintendent for the year ending on 30th September last. A thorough inspection has just been made of the works for the improvement of this navigation, and the report of the officer in relation thereto will be submitted as soon as received at this office.

Cumberland River, Tennessee.—Captain Delafield, of the engineers, was directed, in August last, to make an examination of this river, and to devise, in conjunction with Mr. Shreve, the superintendent of the improvements on the Mississippi and Ohio, the proper measures for the removal of such obstructions to its navigation as this examination might suggest as being necessary. The examination having been completed, an agent was appointed, and charged with the execution of the plan of operations on that river, who will be subject to the general direction and supervision of Captain Delafield and Mr. Shreve.

The experiments of deepening the channel at the entrance of Nantucket harbor, Massachusetts, and that for deepening the channel through Pass au Heron, Alabama, having failed to produce any satisfactory result, the works at those places have been entirely suspended, and the dredging machine employed at the former place will be transferred to the Savannah river, Georgia, and that used at the latter to Pascagoula river, Mississippi.

Cumberland Road, in Ohio.—The officer of engineers, who, in accordance with your instruction, was assigned to the superintendence of the construction of this road, commenced his duties on the 13th of August last. The operations on this road, during the past year, have been confined to that portion of it lying between Zanesville and Little Darby creek, which includes a distance of about sixty-six miles. From Zanesville, west, to the point where the Ohio canal crosses the road at Hebron, all the bridges and culverts have been built, and, with the exception of a wooden superstructure of 95 feet span over the south fork of Licking, are constructed of sandstone of various kinds, united with mortar, for the most part of inferior quality, excepting the culverts, which are of dry stone masonry. These structures, however, are all in a good state of preservation, and require but slight repairs. The surface of the road, for a distance of twenty miles west of Zanesville, has received a covering of six inches of stone of various qualities, consisting, principally, of flint, limestone, slate, and sandstone. From the 21 miles west of Zanesville to the Ohio canal, the road has been graded, and is ready to receive the first stratum of metal. Between Hebron and Columbus, comprising twenty-seven miles, all the bridges and culverts have been contracted for, and, with the exception of the wooden structures for the canal feeder, Black Lick creek, Big Walnut creek, and Alum creek, have been completed, in all probability, before this. The masonry on this section is also composed of different varieties of sandstone, with some limestone, and of a mortar of much better quality than that before mentioned.

Contracts were entered into last year for clearing and grubbing that portion of the road included between the twenty-seventh mile west of Zanesville and Columbus; but, in consequence of many parts of it having been received from the contractors in an unfinished state, and other parts having been abandoned by the contractors in the same condition, it will be necessary to place them again under contract before the operation of grading can be commenced. Measures having been taken to have the road graded between Hebron and Columbus, it is expected that a rough grade, sufficient for the passage

of carriages, will be accomplished by the first of January, and that the full grade will be completed by the first of June next.

On that part of the road between Columbus and Little Darby, many of the bridges and culverts have been constructed, and the grade nearly completed. The interests of this portion of the road appear to have been almost entirely neglected. With the exception of the wooden bridges over Big and Little Darby, which are represented as having been well built, there is little on this section of the road that deserves commendation. The stone masonry, which is of an inferior limestone, is of bad quality, and altogether disreputable to the great national work of which it forms a part. Gravel has been placed on some parts of it, but, of such kind, and in such condition, as to be injurious rather than serviceable; and many of the culverts which have been constructed, will require to be enlarged, having been made entirely too small to satisfy the wants of the road.

Cumberland Road, in Indiana.—The annual report of operations on the eastern division of this road, is of so general a character as to render it impossible to state its exact condition, though it is believed that its affairs have been conducted with zeal on the part of the superintendent. The contracts which were entered into last year, for the continuation of this road west of Indianapolis, have all been executed, with the exception of those which provide for the erection of bridges over the Big White lick, and White river. Both of these structures, however, are now in progress, and will soon be completed. The act of Congress making an appropriation for the service of the road in Indiana for the current year, having provided specially for the erection of bridges over the east and west branches of White Water, and other small streams, with the view to bring the road into immediate use, the sum appropriated was divided into two portions, bearing to each other the proportion indicated by the respective wants, under this law, of the two divisions of the road as ascertained from an examination of the estimates of masonry, furnished by the commissioner who located the road through this State. The funds being thus divided, contracts were entered into for a continuation of the western division, sufficient to absorb all the money that became available by this arrangement, which was not pledged by former engagements. Contracts were also made for the erection of the bridges over the east and west branches of White Water in the eastern division, and these bridges are to be finished by the last of August next. An officer of engineers is now engaged in making an inspection of this road, whose report will also be submitted when received.

Cumberland Road, in Illinois.—The superintendent of the national road through the State of Illinois, having experienced a good deal of sickness in the early part of the present fall, has been unable, as yet, to transmit his annual report of its condition. Judging, however, from the correspondence of the superintendent with this department, and the uniformly correct manner of rendering his accounts, as well as from the general character of his administration, it is believed that the interests of the road have been well attended to, and that it is in as good a condition as the means provided for its construction, and the circumstances attending the operations on it, generally, would permit.

Cumberland Road, east of the Ohio.—In obedience to your instructions of the 13th July last, an officer of engineers was assigned to the superintendence of the repairs of this road; and, with the view to meet the requirements of the law of Congress, passed at its last session, in reference to these repairs, as well as the immediate wants of the road, which were represented as being very great in consequence of its dilapidated condition, that officer was instructed to limit his operations to the portion of the road lying within the limits of Pennsylvania and Maryland; to divide the road in each of these States into as many equal sections as there are *toll gates* provided for by the laws of these States, which are mentioned in the act of Congress above alluded to; to complete the repairs in the most permanent manner, commencing with that which was in the worst condition, and proceeding regularly through the sections from the worst to the best; and to turn over each section, as soon as finished, to the State in which it may be situated. An examination of this road was commenced in the latter part of July, and, towards the last of September, contracts were entered into for making repairs over 12,019 rods; which embrace the two worst sections in Pennsylvania, and the worst section in Maryland. It so happens that these three sections are all continuous, and have their commencement in Maryland, at the end of the first section west of Cumberland. These contracts provide for the completion of the repairs by the first of July next. The officer in charge, in communicating to this department the result of the examination which he made of the road immediately after his arrival on it, says:

"I find the road in a shocking condition, and every rod of it will require great repairs; some of it is now impassable."

In the course of my recent inspection of this road, which was made in accordance with the verbal instructions that I had the honor to receive from you on the 3d inst., I ascertained that, in making contracts for the repairs, the contractors were, in many instances, permitted to use the best of the stone composing the old covering of the road, when none better could be procured in the neighborhood; and it is believed that advantage has been taken of the opportunity thus offered to introduce into the new covering material of inferior quality, and which had been previously condemned. I also found that the stone, in general, was not broken to the size prescribed by the contracts, and that the side drains had not been sufficiently attended to. The present superintendent, however, has been verbally instructed on this subject, and will adopt, without delay, the proper remedy for these evils.

The difficulty of procuring a suitable material for the covering, has rendered the use of a perishable stone a matter of absolute necessity in the first two layers; these layers, together, form a thickness of six inches, and will, in all probability, be laid upon the road before winter; which will place it in a condition to admit of easy travelling. By spring, the road will be in a state to receive the last layer, which will make up the nine inches, and will constitute its enamel, or wearing surface. This layer should be made of flint, granite, or limestone; for, without the use of one of these materials, the repairs must necessarily be of a temporary nature, and not such as are contemplated by the act of Congress making appropriation for them. Limestone is the only one of the materials mentioned, which is found upon the line of the road; and, as this can only be procured with considerable difficulty, and at great expense, it is believed that the only plan would be, to haul the stone required for those parts of the road remote from the quarries which furnish it, the United States paying the difference of transportation which would be necessary to place the contractors for those parts on a footing of equality with those having quarries in the immediate neighborhood of their work. The expenses of this transportation would be heavy; but, should the Government choose to incur it, all the material of the best kind may be procured, deposited along the road, and be prepared for use in the spring, as soon as the frost leaves the ground; and, in anticipation that such will be its determination, verbal instructions have been given to the superintendent to take the proper measures for procuring this material agreeably to the plan suggested.

The grade of the road is, in general, good, and will

require alteration in but few instances, and, in those, involving no great expense. At Cumberland, I would recommend a change in the location of the road to turn Wilt's hill, by which a lift of 800 feet in four and a half miles would be avoided, and one hour gained in each trip of the mail, besides greatly benefiting other transportation of a heavier character passing through Cumberland.

Lieut. Mansfield, the officer who had the temporary management of the affairs of this road, has done all that zeal, aided by sound judgment, could effect. The quantity of work done, and the manner in which it is executed, afford the most satisfactory evidence of great industry, and entitle him to much credit.

The assistants on the road are industrious, and, as far as it is in their power, discharge their duty faithfully; but, as much time is necessarily employed in passing over the line of their supervision, impositions are hourly practised, which they can neither prevent nor detect. More aid is therefore required, and must be obtained, before a system of supervision, suited to the wants of the road, can be established; and this aid should be drawn from the army.

An estimate of the funds necessary to prosecute these repairs during the next year, has already been submitted.

Road from Detroit to Chicago, Michigan.—The contracts entered into last year for the construction of 27 miles of this road, beginning at the 105th, and terminating at the 132d mile from Detroit, including the erection of bridges over Cold Water river, Flag creek, Swan creek, and Prairie river, have, in most instances, been complied with; and the work provided for by the whole of the contracts, would, in all probability, have been executed, had not many of the contractors been called upon, in the early part of the present year, to march towards the seat of the late Indian disturbances. These contractors are at present, however, actively engaged in fulfilling the terms of their contracts, and no doubts are entertained of the completion of their engagements within the present fall. An estimate of the funds necessary to complete this road as far as the northern boundary line of Indiana, has been submitted.

Road from La Plaisance Bay to the Detroit and Chicago Road, Michigan.—The commissioners appointed under the act of Congress of 4th July last, which provides for the location of this road, having accomplished the object of their commission, and furnished their report, accompanied by a plat, field notes, and an estimate of constructing this road, an officer has been directed to superintend its construction, with instructions to place that portion of it included between the bay and Tecumseh under contract, with as little loss of time as possible. The accounts rendered by the commissioners, as well as their report, show that the amount of expenditures on account of the location exceeds the sum appropriated for that object by $608 76; which excess has been advanced by the commissioners under the expectation that Congress will relieve them by an additional appropriation of that amount. As an examination of the accounts shows that no unnecessary expenses were incurred, this amount is accordingly embraced in the estimate already furnished.

Road from Detroit to Saganaw, Michigan.—Contracts have been entered into for the construction of this road as far as the fifty-seventh mile from Detroit, including the erection of bridges over the Thread and the Flint rivers, the former on the fifty-eighth, and the latter on the sixtieth mile. An estimate for the continuation of this road has been submitted.

Road from Detroit to the mouth of Grand River.—The commissioners appointed under the act of Congress of the 4th July last, in reference to this road, are now engaged in making its location.

Road from Detroit to Fort Gratiot, Michigan.—The location of this road having been changed by virtue of the authority granted in the act of Congress of 3d July last, arrangements have been made for continuing its construction, by contract, as far as Black river, which is just below Fort Gratiot. The funds available for this road are sufficient for its completion, which will be accomplished in the course of the coming year.

No funds having been provided by the act of Congress of 14th July last, in reference to the northern boundary line of the State of Ohio, to meet the expenses incident to making the observations and examinations necessary to determine the lines specified in that law, nothing further could be done than to prepare an estimate of the funds that will be necessary; to designate an officer for the performance of the service; and to prepare the proper instruments. The estimate has been submitted.

BOARD OF ENGINEERS.

Since my last annual report, a report has been received from the Board of Engineers, submitting a summary of their operations during the preceding year, and a statement of the objects to which it was conceived most advantageous to the service that their attention should be next directed, which was submitted to Congress at its last session. In addition to this, the assistant engineer having made a reconnoissance of the site of Fort Moultrie, and of the inland passage between the Saint John's and Saint Mary's, has furnished projects for the preservation of the former, and for completing the improvement of the latter. His report on the communication between the Saint John's and Saint Mary's is herewith transmitted.

MILITARY ACADEMY.

The report of the Board of Visiters who attended the last general examination of this institution, affords unequivocal evidence that its affairs continue to be conducted in the most able and efficient manner. That report accompanies this communication, and, in calling your attention to it, I would respectfully recommend, for your consideration, the suggestion of the Board in reference to the modifications in its organization, and to the erection of the additional building which experience has shown to be necessary to meet the wants of that institution. It was not in my power to make an inspection of the academy during the past year, in consequence of incessant engagement with the business of my office.

OFFICE OF THE CHIEF ENGINEER.

To facilitate the transaction of business in this office, and diminish its contingent expenses, I would suggest that a provision be recommended for extending the franking privilege to the chief engineer.

The embarrassments under which the Engineer Department has labored in its efforts to discharge the duties which have been assigned to it within the last year, compel me again to draw your attention to the subject of an increase of the corps of engineers. Although urgent necessity has long existed for the adoption of some measure by which the means of the department would be enlarged to a degree commensurate with its duties, yet this necessity has never been so great as at the present time, as must have appeared in the course of the preceding part of this report.

It has been seen that, in consequence of the special provisions of the laws passed at the last session of Congress, officers of engineers were withdrawn from the superintendence of fortifications, to be placed in charge of the national road east and west of the Ohio river, and for other objects not immediately connected with the national defence; thus greatly impairing the efficiency of the corps for military purposes, and imposing upon the department, in consequence, the necessity of suspending operations at works previously commenced, and of post-

poning those for the commencement of others which are provided for by law. Thus circumstanced, it is due to that part of the public interest, entrusted to the care of this Department, that I should now earnestly recommend for your consideration a measure which has been so frequently urged by your predecessors upon the favorable notice of Congress. The increase which is proposed as being equal to subserve the wants of the service, and to ensure an efficient and beneficial discharge of the duties referred to this Department, is that suggested by your immediate predecessor, in his report upon this subject to the House of Representatives, of the 13th January, 1831, to which I beg leave to refer you.

All of which is respectfully submitted.

C. GRATIOT, *Brig. Gen.*
Chief Engineer.

The Hon. LEWIS CASS, *Secretary of War.*

ANNUAL REPORT ON THE FINANCES.

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following Report:

I. OF THE PUBLIC REVENUE AND EXPENDITURES.

The receipts into the Treasury, from all sources, during the year 1830, were			$24,844,116 51
The expenditures for the same year, including payments on account of the public debt, were,			24,585,281 55
The balance in the Treasury on the 1st of January, 1831, was			6,014,539 75
The receipts from all sources, during the year 1831, were, Viz			28,526,820 82
Customs,	$24,224,441 77		
Lands,	3,210,815 48		
Dividends on Bank Stock,	490,000 00		
Incidental Receipts,	152,314 04		
First and second instalment under the Convention with Denmark,	449,249 53		
Making, with the balance, an aggregate of			$34,541,360 57
The Expenditures for the same year were, Viz.			30,038,446 12
Civil List, Foreign Intercourse, and Miscellaneous,	$3,064,646 10		
Military Service, including fortifications, ordnance, Indian affairs, pensions, arming the militia, and internal improvements,	6,943,238 73		
Naval Service, including the gradual improvement of the Navy,	3,856,183 07		
Public Debt,	16,174,378 22		
Leaving a balance in the Treasury on the 1st of January, 1832, of			$4,502,914 45
The Receipts into the Treasury, during the first three quarters of the present year, are estimated at		$23,918,659 51	
Viz.			
Customs,	$21,730,717 99		
Lands,	1,610,130 18		
Bank Dividends,	490,000 00		
Incidental Receipts,	87,811 34		
The receipts for the fourth quarter, including the third instalment of the Danish Indemnity, are estimated at		$7,834,000 00	
Making the total estimated receipts of the year,			$31,752,659 51
And, with the balance on the 1st of January, 1832, forming an aggregate of			$36,255,573 96
The expenditures for the first three quarters of the present year are estimated at		$23,868,691 81	
Viz.			
Civil List, Foreign Intercourse, and Miscellaneous,	$3,663,955 42		
Military Service, including Fortifications, Ordnance, Indian Affairs, Pensions, Arming the Militia, and Internal Improvements,	5,655,280 52		
Naval Service, including the gradual improvement of the Navy,	3,213,597 98		
Public Debt,	11,335,857 89		
The expenditures for the fourth quarter, including $6,744,199 57 on account of the public debt, are estimated, on data furnished by the respective Departments, at		$10,742,774 22	
Making the total estimated expenditures of the year,			$34,611,466 03
And leaving in the Treasury on the 1st of January, 1833, an estimated balance, including the Danish Indemnity, of			$1,644,107 93

This balance, however, includes the funds estimated at $1,400,000, heretofore reported by this Department as not effective.

The appropriations remaining unsatisfied at the close of the year are estimated at $6,308,421 25; but, of this amount, it is estimated by the proper Departments—

1. That the sum of $5,475,202 26 only will be required for the objects for which they were appropriated.

2. That the sum of $652,198 27 will not be required, and may, therefore, be considered as an excess of appropriation, and is proposed to be applied, without being re-appropriated, in aid of the service of the year 1833, as will more fully appear when the estimates of the appropriations for that year are presented.

3. That the sum of $181,020 72 will be carried to the surplus fund, either because the objects for which it was appropriated are completed, or because these moneys will not be required for, or can no longer be applied to them.

II. OF THE PUBLIC DEBT.

The disbursements on account of the public debt during the year 1832, will amount, as has been already shown, to — — — — — — — — $18,080,057 46

Of which there will have been applied to the payment of principal, — $17,302,410 82

And to interest, — — — — — — 777,646 64

Of this sum, all over the annual appropriation of ten millions of dollars will have been applied, with the President's sanction, under the discretionary authority granted by the act of the 24th of April, 1830.

The stocks which will have been redeemed, by the application of this sum, during the year, are as follows:

The residue of the four and a half per cent. stock, issued under the act of the 24th of May, 1824, being the last of the stock, issued for the purchase of Florida, — — — $1,739,524 01

The whole of the three per cent. stock, issued under the act of the 4th of August, 1790, being the last of the funded debt of the revolution. — — — — — — 13,296,705 76

One half the exchanged four and a half per cent. stock, issued under the act of 26th May, 1824, 2,227,363 97

And the whole of the exchanged five per cent. stock, issued under the act of 20th April, 1822, 56,704 77

Which two last mentioned stocks are parts of the debt arising out of the late war.

Also certain portions of the old registered debt, which have been presented for payment, being part of the unfunded debt of the revolution, — — — — — — 237 84

The whole of the public debt, which, by the terms of the several loans, the United Ssates have a right to redeem up to the 1st of January next, will have been then paid off: making the entire sum of about fifty-eight millions of dollars, applied to the debt since the 4th of March, 1829.

On the 1st of January next, the public debt will be reduced to — — — — $7,001,698 83

Viz.

1. The funded debt amounts to — — — — — —		$6,962,660 28
Consisting of the five per cents. issued under the act of the 3d of March, 1821, and redeemable after the 1st of January 1835,	$4,735,296 30	
And the residue of the exchanged four and a half per cents. issued under the act of the 26th of May, 1824, and redeemable after the 31st of December, 1833, — — —	2,227,363 98	
2. The unfunded debt amounting to — — — — —		$39,038 55
Consisting of the registered debt, being claims registered prior to the year 1798, for services and supplies during the Revolutionary War, — — — — — —	$27,602 46	
Treasury notes, issued during the late war, — —	7,116 00	
And Mississippi Stocks — — — — — —	4,320 09	

These three last sums, composing the unfunded debt, are payable on the presentation of the certificates.

After the 1st of January next, no part of the public debt, except the remaining fragments of the unfunded debt, of which only small portions are occasionally presented, will be redeemable before the following year: and, though there will be in the Treasury, during the year, ample means to discharge the whole debt, they can be applied only to the purchase of stock at the market price. It is now manifest, that, if the Bank shares had been sold, and the proceeds applied to this object, the entire debt might, in this manner, have been extinguished within the present year. But it is, nevertheless, pleasing to reflect, that, after the present year, it may be considered as only a nominal debt; as the Bank shares, which have been actually paid for within the last four years, by the redemption of the stock subscribed for them, are greater in value than the whole amount of that debt: and the debt itself ceases to be a burthen, inasmuch as the dividends derived from the Bank shares yield more to the Treasury than will be required to pay the interest. The debt may, therefore, be considered as substantially extinguished after the first of January next; which is earlier than was looked for under the most prosperous and economical administration of our affairs that could have been anticipated. It will, nevertheless, be gratifying to the national pride, that every thing having even the appearance of debt should cease; and measures will therefore be adopted to invite the early presentation of all the outstanding stocks, that they may be paid off as fast as the means are received, and the evidences of the public debt finally cancelled. It will be a proud day for the American people, when, to all these honorable characteristics, which have rendered their career some morable among nations, they shall add the rare happiness of being a nation without debt.

III. OF THE ESTIMATES OF THE PUBLIC REVENUE AND EXPENDITURES FOR THE YEAR 1833.

The statement already presented, shows that the receipts from Customs, during the present year, will exceed the estimate submitted at the last session of Congress. It is true that duties to a considerable amount received in this year, will hereafter be returned under the 18th section of the act of the 14th of July last, for altering the duties on imports. But, as those duties are not to be returned until after the 3d of March next, and as in the mean time they will be available means in the Treasury, they will be so treated, and the probable amount of them will be deducted from the estimated amount of the duties receivable in 1833.

Notwithstanding the unusually large importations in 1831, those of 1832 have also been large—being estimated, for the year ending on the 30th of September last, at $100,652,677 in value. The exports have somewhat exceeded those during the same period in 1831—being estimated at $87,037,943 in value; of which $63,074,815 were

of domestic, and $23,963,128 of foreign articles. These results are not only satisfactory in reference to their connexion with the finances, but as indicating a prosperous condition of commerce.

The duties which accrued during the first three quarters of the present year are estimated at $24,505,000, and those for the fourth quarter at $4,891,000. Though the proceeds of these duties will form a considerable portion of the receipts into the Treasury from customs during the year 1833, yet it is to be observed, that, as the terms of credit will be much shortened on importations subsequent to the 3d March next, a greater portion of the duties accruing within the year will be received in that year than heretofore. At the same time, the bonds given on previous importations, at the present terms of credit, will continue to fall due as before; and the combined operation of these two causes will increase the proportion which the actual receipts within the year will bear to the accruing duties, relatively both to past and future years.

From data in possession of the Department, it is estimated that the duties which will be returned out of the revenue of 1833, after the 3d of March next, upon merchandise deposited under the 18th section of the act of the 14th of July last, may be estimated at $2,500,000. Though these data are necessarily in a great degree conjectural, they are sufficient for the present purpose in the present estimate. It is proper to be remarked, however, that if a broader operation be given by Congress to the provisions of that section than it has received at the Department, the amount will be proportionably increased.

A considerable reduction, estimated at not less than two hundred and fifty thousand dollars, from the amount receivable from customs in the present year, has also resulted from the refunding of duties heretofore collected, and perhaps an equal amount from the cancelling of bonds, falling due on rail-road iron, agreeably to the act of the last session. But as this has consisted in part of the drawback of duties taken in previous years, the amount forms no criterion for the future.

It has been shown that the actual receipts from public lands during the present year will fall much short of the estimate presented at the last session. The sales were necessarily affected by the extensive measures adopted in the Western and Northwestern country to expel the recent Indian incursions. Owing, also, to the want of the returns of surveys and plats, which the Surveyors General found themselves unable to supply, lands expected to have been sold were not brought into market. It is believed, however, that the receipts from this source will be somewhat larger next year.

According to the best judgment the Department is able to form on the subject, the receipts into the Treasury from all sources, during the year 1833, may be estimated at – – – – – $24,000,000 00

Viz.

Customs, – – – – – – – – – –	$21,000,000
Public Lands, – – – – – – – – –	2,500,000
Bank dividends, and incidental and miscellaneous receipts, of all other kinds, –	500,000

The expenditures for the year 1833, for all objects other than the reimbursement of the Public Debt, are estimated at – – – – – – – – – – 17,638,577 35

Viz.

Civil list, foreign intercourse, and miscellaneous, – – – –	3,045,361 70
Military service, including fortifications, ordnance, Indian affairs, pensions, arming the militia, and internal improvements, – – – – –	6,878,790 09
Revolutionary pension, under the act of the 7th of June, 1832, including arrearages from the 4th of March, 1831, in cases in which payment has not been made,	4,000,000 00
Naval service, – – – – – – – – –	3,377,429 38
Interest on the Public Debt, – – – – – – – –	336,996 18

During the year 1833, however, the moneys which have been received in the Treasury from Denmark, within the two last and present years, for the payment of the indemnities due to American citizens under the Convention, will be payable, estimated at – – – – 694,000 00

Which, added to the expenditures, will make the aggregate charge upon the Treasury for the year, exclusive of reimbursement of the Public Debt, – – – – – – 18,332,577 35

In the year 1833, the first instalment payable under the Convention with France, for indemnities to American citizens, will also be received into the Treasury, though it will form no part of the disposable means.

Taking an average of the importations for the last six years as a probable criterion of the ordinary importations for some years to come, the revenue from customs, at the rates of duty payable after the 3d March next, may be estimated at eighteen millions annually. The public lands, bank dividends, and other incidental receipts may be estimated at three millions—making an aggregate revenue of about twenty-one millions a year. In the last annual report on the state of the finances, the probable expenses for all objects other than the public debt, were estimated at fifteen millions. This is still believed to be a fair estimate; and, if so, there will be an annual surplus of six millions of dollars.

Still firmly convinced of the truth of the reasons then presented for a reduction of the revenue to the wants of the Government, I am again urged by a sense of duty to suggest that a further reduction of six millions of dollars be made, to take effect after the year 1833. Whether that shall consist altogether of a diminution of the duties on imports, or partly of a relinquishment of the public lands as a source of revenue, as then suggested, it will be for the wisdom of Congress to determine.

Without adverting, in unnecessary details, to the considerations in favor of lessening the existing duties, which I had the honor to present, as well in the last annual report, as in that called for by special resolutions of the House of Representatives, I deem it proper to observe, that in my own mind these considerations have lost none of their force, but have derived new weight from subsequent reflection.

The purity and simplicity of the institutions under which it has pleased Providence to make us a great and prosperous nation; the few objects—and those of a general nature—to which the powers of the Federal Government can be appropriately applied; and the great diversity of interests, which, from their local and geographical position, prevail in the several States composing the Union, imperiously require that the amount of the public expenditure should be regulated by a prudent economy, and that no greater amount of revenue should be collected from the people than may be necessary for such a scale of expenditure.

The main purpose of taxation by the General Government, according to the spirit of the constitution, undoubtedly is to pay the debts and to provide for the common defence and general welfare of the Union, by the means confided to Congress. It is freely admitted that this power may and ought to be directly exerted to counteract foreign legislation injurious to our own enterprise, and incidentally to protect our own industry, more especially those branches "necessary to preserve within ourselves the means of national defence and independence." And, although the exercise of the power in either case must necessarily depend upon the cause which may call it forth, the powers of taxation imposing large and permanent burthens for the encouragement of particular classes cannot be exercised—and by slender majorities—consistently with a proper regard to the equal rights of all: and it is not to be concealed that a permanent system of high protecting duties directly tends to build up favored classes ultimately prejudicial to the safety of the State.

Deeply impressed with these reflections, which are now rendered more urgent, by the reduced and limited demands of the public service, I had the honor, at the last session of Congress, to recommend a reduction of the duties to the revenue standard. The force of these and similar considerations, and of that recommendation, may be supposed to have received, at that time, the sanction of Congress, and to have formed a motive of the act of the 14th of July last; notwithstanding it was not then deemed practicable fully to adopt the recommendation of the Department. By that act, however, besides the positive reduction both in the rate and in the amount of duty, the expediency of adapting the revenue to the expenditure, and of equalizing the public burthens, was, to a great extent, acknowledged, and the oppressive system of minimums was, for the most part, abolished. By that act also, those articles principally necessary for the maintenance and clothing of the laborers of the South and Southwest were, to a certain degree, relieved; and, both by its direct enactments, and as incident to its main scope, it encouraged an increased consumption of such articles as depended for their fabrication upon the raw materials and productions of the South. To extend and improve the demand for those productions, by substituting, as far as practicable in general use, cotton fabrics, for those made of materials from other countries, was not an unimportant object of the bill presented from this Department.

In the reduction then recommended, the necessity of adapting the proposed changes to the safety of existing establishments, raised up under the auspices of past legislation, and deeply involving the interests of large portions of the Union, was distinctly recognised; and it is still deemed to be not less imperious, in the further changes which may be considered expedient. Such necessity, however, arises rather from a just and prudent regard to the rights and interests of the whole community, than from any absolute pledge of the national faith, uncontrolled by circumstances. The principles of our republican institutions discountenance any system of legislation not in the nature of a compact, independent of the popular will, tending to defeat the action of the constituent upon the representative, and to exclude the operation of changes in the condition of public affairs, or in public opinion, upon the national councils. In this, as in all other instances, the causes which call for the legislative action must determine its duration; and that legislation, especially, which confers favors upon particular classes, has no other claim to permanence than its tendency to advance the interest and prosperity of the whole.

To aid American enterprise in every branch of labor, and, by seasonable encouragement, to foster and preserve within ourselves the means of national defence and independence, led to the protective system in the infancy of the Government. To counteract the policy and rivalry of foreign nations, and to prevent their prejudicial influence upon American industry; to indemnify the latter against the superior skill, and capital, and cheapness of labor in older and more experienced countries, and to succor American capital, which the events of the late war had devoted to manufacturing employments, recommended an occasional extension of that policy which has been liberally enjoyed by the manufacturing classes since the act of the 4th of July, 1789. In the course of that time, however, the capital and resources of the country have augmented in a ratio beyond the expectations and hopes of the most sanguine. American enterprise and ingenuity are, everywhere, proverbially the objects of admiration, and in many branches maintain, without extraordinary aid, a successful competition with those of other nations. By the abundance of provisions in the United States, and the surprising increase of population, the wide-spread facilities of water-power, the improvements as well in personal skill as in machinery of all kinds, and the general advancement and diffusion of all the lights of arts and science, and the reduction of duty both on the raw material and other articles of consumption, the cost of labor and production have not only been lessened, but in a great measure equalized; and, in this view of the subject, it is not perceived that there can now exist the same necessity for high protecting duties as that which was consulted in our past legislation. To perpetuate a system of encouragement, growing out of a different state of things, would be to confer advantages upon the manufacturing which are not enjoyed by any other branch of labor in the United States, and to convert the favor and bounty of the Government into permanent obligations of right—acquiring strength in proportion to their continuance.

It will be conceded that when the fair rate of profit attendant upon the sagacious employment of capital in the United States, is satisfactorily ascertained, it may be wise so far to protect any important branch against the injurious effects of foreign rivalry, as may be necessary to preserve for it the same rate of profit as is enjoyed by others. If, however, by protective legislation, or otherwise, the proprietor of an actual capital shall be enabled to employ it in manufactures as advantageously and profitably as in any other branch of labor, all things considered, he could not reasonably demand more. The rate of protection which should enable manufacturing labor, conducted upon borrowed capital, to indemnify the lender, and, in addition, to realize the regular rate of profit for itself, would not merely confer undue favor upon the manufacturer, at the expense of every other employment, but bring the influence of the capitalist in direct conflict with the general mass of the people. It might even be apprehended that by such means there would be an accumulation of power in the hands of particular classes, strong enough to control the Government itself. If these observations are entitled to respect, little doubt is entertained that in a tariff framed on proper principles, the reduction of six millions, now recommended, may for the most part be made upon those commonly denominated protected articles, without prejudice to the reasonable claims of existing establishments.

By the act of the 14th of July last, the anomaly in the tariff of the United States, by which heavy and burthensome duties were imposed upon the raw materials, and especially upon the article of wool, was continued; and the necessity was thereby created of retaining upon the manufactured article a higher degree of protection than would otherwise have been necessary. An adherence to this anomaly, instead of equalizing the burthens of the people, augments that of the consumer by increasing the number of favored classes. Proper attention to the facility and cheapness of producing, and the amount actually produced, of the raw material in the United States, and

an examination of the information collected by this Department, and transmitted to the House of Representatives at their last session, will show, that, in the extension of manufactures, and in the augmentation of a sure market, the producer of the raw material has long since been in a condition to dispense with a great portion of the protection heretofore afforded. By the same information it will appear, that, by relieving the manufacturer from the burthen of the high duty upon the raw material, the existing duties may be very materially reduced and gradually removed, consistently with a just regard to the interests which have so long enjoyed the advantages of the protective system.

By these considerations, and the proud and gratifying fact that there no longer exists any public debt requiring the present amount of revenue after the ensuing year, the question is submitted to the Legislature, whether they will continue to raise from the people of the United States six millions of dollars annually, beyond any demand for the public service; that favors, which have been so long enjoyed, and which may soon be dispensed with, without detriment to the national safety or independence, may be indefinitely continued.

The undersigned is duly sensible that the decision of this question belongs properly to Congress. The duty, however, enjoined on him by the laws, to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit, not less than the deep solicitude he feels for the safety of our common country, have urged him to present it, with his own reflections, for the consideration of the Legislature.

In the decision of this question, the present crisis in the United States, pregnant with the deepest interest, must have its weight—an interest arising not so much from an apprehension of weakness in the laws, or of inability to execute them, as from a universal conviction, throughout a large portion of the Union, of the necessity of a change, and of the propriety of paying a reasonable deference to that opinion. The harmony and brotherly affection of the citizens of different parts of this great Republic, if not the preservation of the Union itself, appeal to the patriot and statesman for the exercise of their highest qualities, in regulating the burthens of the people consistently with the equal rights of all, and in rendering the laws not less free and equal than the institutions under which they are enacted. The occasion invokes the spirit of liberal concession and compromise which laid the foundations of our inestimable Union; and, on such an occasion, patriotism requires that no one interest should exact more than may be consistent with the welfare of the whole.

Such an appeal comes with force to all, but, in an essential manner, may be made to those who have so long reaped the advantages of those burthens, from which their brethren throughout the Union, after having submitted to them, while the public obligations and the national defence and independence required it, now ask to be relieved.

If this appeal do not find a response in a wise and patriotic moderation, there will be no efficacy in the moral force on which the republican institutions of the Union repose.

The sleepless solicitude of the Father of his country has multiplied lessons of patriotic duty; but none of greater emphasis and pertinence in the present crisis, than in his admonition that "it is indispensable, on all occasions, to unite with a steady and firm adherence to constitutional acts of government, the fullest evidence of a disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the people."

The operation of the 18th section of the act of the 14th of July last, according to the construction given to it at the Treasury, being, in some respects, different from that which the merchants concerned consider important to their interests, it is deemed proper to bring the subject before the attention of Congress, that, if owing to any defect in the law, or any error in the construction, the intentions of the Legislature have not been carried into effect, the necessary remedy may be applied.

By that section the several articles enumerated in the act, whether imported before or after the passing thereof, were authorized to be put into custom house stores; and such as remained under the control of the proper officer of the customs on the 3d of March next, were subjected to no higher duties than if imported after that day; and the duties or any part thereof which may have been paid on such articles were to be refunded to the person importing and depositing the same: and the Secretary of the Treasury was authorized to prescribe such rules and regulations as might be necessary to carry the section into effect.

In executing the section, the fullest disposition was felt to consult the interest and convenience of the merchants; but it was perceived that an unlimited construction of its terms was calculated not merely to conflict with the several members of the same section, and with other sections of the act, but to disturb the financial arrangements of the Government, and postpone the payment of the public debt.

In the last annual report from this Department, as well as in that prepared by direction of the House of Representatives and accompanying the bill which formed the chief basis of the act of the 14th of July, it was stated that the existing obligations of the Government, not less than the interests of the community, forbade a reduction of the present duties earlier than the 3d of March, 1833; and by the 2d section of the act this recommendation was distinctly recognised and adopted.

Without some limitation, therefore, as to the retrospective operation of the 18th section, the object of the 2d section would not only have been defeated, but the act itself would in fact have been rendered operative in all past time, so far as concerned any goods in the original packages, no matter when imported; and the owners, whether importers or retailers, in all parts of the country, would have had a right to deposit them in the custom-house stores, and claim a refunding of the duties.

By one of the provisions of the 18th section, the authority to refund duties which had been paid on articles deposited is expressly confined to the persons "importing and depositing the same;" thus treating the importer and depositor as identical. And as it is not reasonable to suppose that the right to deposit was greater than that to claim a refunding of the duties, the words "importer or owner" in other parts of the section were treated as synonymous. These terms, moreover, throughout the revenue laws refer to importation, and are intended to signify the person importing, whether the actual proprietor, the agent, or the consignee. It is obvious, also, that by this construction the terms importer or owner not only receive their usual revenue meaning, but are reconciled with those of importer and depositor; which could not be, if the conjunction were to receive a disjunctive interpretation. It was, therefore, held that goods could be deposited only by the importer.

As the act contained no appropriation for drawing money out of the Treasury for repaying the duties authorized to be refunded, the Department was fully warranted in interpreting the 18th section as applying to those duties only which may have been paid to the collector after the passing of the act, and, consequently, in limiting the right of deposit to the goods on which those duties accrued. But, from a desire to give the section as liberal a construction as was consistent with all the other objects of the act, it was allowed to apply to the whole of any importation on which any part of the duties remained

unpaid at the date of the law. And, to make this construction operate as equally and favorably among the importers generally, as might be, it was allowed to include those goods also upon which the duties had been paid in cash, provided, that by the terms of credit allowed by law, fresh duties on any part of them would not have been payable until after the date of the law. It is not believed, however, that any construction of the section which will not admit of the deposit of goods when in original packages, whether in the hands of the importer or of any other person, and no matter when imported, will be satisfactory to the owners of such goods as may be imported at a lower rate of duty after the 3d of March. But if it be the intention of Congress so to extend the operation of the section, it is respectfully suggested, that as it will, in that case, necessarily embrace goods upon which the duties must have been accounted for and paid over to the Treasury, an appropriation be made for repaying the amount of such duties out of the Treasury.

With a view to obtain reasonable certainty in the financial operations of the Government, and at the suggestion of the collectors as to the time necessary for the duties to be performed by them in executing the 18th section, a regulation was adopted, fixing the time to which goods might be deposited, at the 1st of January next. It is, however, the intention of the Department to extend the time, if it be found that the duties of the collectors will admit of it.

The alteration in many of the rates of duty, and the repeal of others, which have been effected by late acts of Congress, seem to require some corresponding modifications of the provisions heretofore made for ascertaining and securing the duties. But, as these details might be better brought to the attention of Congress in a separate communication, if such be its pleasure, that course will be adopted.

In the exposition of the public debt, presented in this report, it has been assumed that the three per cents. advertised for reimbursement on the 1st of October last, have been actually paid, because the Treasury has provided ample funds at the different loan offices for that purpose, which, upon the presentation of the certificates, should have been applied to their payment. It has recently been understood, however, that, on the 18th of July last, the Bank of the United States, on the ground, as stated in the letter of instructions, "that the spread of the cholera might occasion great embarrassment and distress in the community, deemed it expedient for the Bank to keep itself in an attitude to afford relief, should its interposition be necessary, and also to mitigate the pressure which the reimbursement of the three per cent. stock held by foreigners might produce in October," and despatched an agent to London to make an arrangement with the house of Baring, Brothers, & Co. for the postponement of three millions, for which they were the agents of that house, and also for two millions in addition.

It had not, at that time, been decided by the Government at what period the whole of the three per cents. should be paid; and the agent of the Bank was authorized to make an arrangement for a postponement for six, nine, or twelve months after that period, the Bank agreeing to pay the interest in the mean time.

Under this general authority, the agent concluded, on the 22d of August, 1832, a contract with Messrs. Baring, Brothers, & Co. to buy up the three per cent. stocks on the best terms at which they can be obtained both in London and Holland; the cost thereof to be placed to the debit of the Bank, and the certificates of the stock so purchased to remain with Messrs. Baring, Brothers, & Co. It was also stipulated, that, if the amount of stock so purchased, and of that retained by the holders, should, together, be less than five millions of dollars, Messrs. Baring, Brothers, & Co. should make up the deficiency in case the Bank should find it desirable to draw for it or any part of it: the whole advance to be reimbursed by the Bank in October, 1833. Pursuant to this contract, purchases of the three per cent. stocks were actually made on account of the Bank to the amount of $1,474,827 33.

It is also understood that the Bank, by a letter from its President to Messrs. Baring, Brothers, & Co., dated 15th October, 1832, disavowed so much of the arrangement made by its agent as related to the purchase of the stock, on the ground of that provision in the charter which declares that "the Bank shall not be at liberty to purchase any public debt whatever." In lieu of the stipulation in the contract in regard to the amount purchased, it was in the same letter proposed that the certificates should be transmitted without delay, that the Bank might receive payment for the owners, without which it would not be in actual possession of the funds; and that the stock being thus reimbursed to the stockholders, the amount should be passed to their credit on the books of the Bank, and they continue to receive an interest of 3 per cent. payable quarterly, until 1st Oct. 1833.

It is supposed to be optional with Messrs. Baring, Brothers, & Co., and with the stockholders who have stipulated for a postponement of payment, to consent to the change proposed by the letter of the President of the Bank of the 15th October, or to insist upon the performance of the original arrangement; and should they pursue the latter course, the certificates cannot be finally surrendered before October, 1833. However this may be, and notwithstanding the Bank has disavowed the authority of the agent to purchase, it is certain that a delay for a considerable period of time has been and must yet be occasioned in the surrender of the certificates of stock to a large amount, and it is not perceived that there is any sufficient justification in the grounds of the transaction as assumed by the Bank for an arrangement in any form, by which so large an amount of the public funds should be retained by the Bank at the risk of the Government, after it had directed their application to the payment of the public creditor.

It is apparent, however, that the apprehensions arising out of the arrangements, as it is understood to have been concluded by the agent of the Bank, and of the consequences to which it might lead, more especially should the parties in Europe insist upon its fulfilment, not less than the great amount of the Bank's transactions, especially in its Western branches, together with other matters connected with its dealings, which have occupied the attention of one branch of the Legislature since the last annual report from this Department, have tended to disturb the public confidence in the management of the institution; and these, taken in connexion with the necessary arrangements in anticipation of finally closing its business, have suggested an inquiry into the security of the Bank as the depository of the public funds.

The obligation of the Government, however, incurred by the notice for the payment of the public debt in October and January at the several loan offices, rendered any change in this respect inexpedient—at least without such an examination into the actual condition of the Bank, as justice to the institution, not less than to the community at large, required. Such an examination as this Department is authorized by the charter to make, has been directed; and it is submitted to the wisdom of Congress to decide whether it shall be extended further.

The act of the 10th of May, 1800, which directs the annual report from the Secretary of the Treasury, would seem also to require that he should, in that communication, give information to Congress of any matters, either existing or apprehended, which seriously concern the collection of the revenue. And, in the discharge of that duty, it is his painful task to advert to the measures now in agitation in the State of South Carolina, altogether to

prevent, at an early day, the execution of the present revenue laws within that State.

Such steps as are authorized and required by law have already been taken to the due collection of the revenue. But, if the extraordinary measures which have been commenced by those exercising the authority of that State should be carried out, to the extent which unhappily there seems too much reason to apprehend, it is clear that all the aids which the existing laws afford will be inadequate to that object. Until, however, those measures shall be further matured, and more distinctly and officially known to the Executive, it is deemed proper to abstain from more specific reference to the subject in this report: though its great importance, and the deep solicitude which it has excited, have already directed the attention of the Department to the remedies which that contingency may require.

The notice of Congress is respectfully invited to the accompanying report from the Commissioner of the General Land Office, showing the transactions in that branch of the public service during the present year, and exhibiting both its present condition and the means deemed necessary by that officer for its proper and successful administration.

All which is respectfully submitted.

LOUIS M'LANE,
Secretary of the Treasury.

Treasury Department, *Dec. 5*, 1832.

In the House of Representatives, *Friday, Dec.* 28, 1832.

Mr. VERPLANCK, from the Committee of Ways and Means, made the following report, in reference to the bill to reduce and otherwise alter the duties on imports:

The Committee of Ways and Means, in obedience to the order of the House, have had under consideration so much of the Message of the President of the United States, referred to them, as relates to "such further reduction in the revenue as may not be required for objects of general welfare and public defence, authorized by the constitution," and now submit the following report:

The whole of the debt of the nation remaining unpaid at the expiration of the present year, amounts only to seven millions sixteen thousand dollars, a sum less than the market value of the stock of the Bank of the United States owned by Government. The application of this fund alone, (independently of the other stocks in incorporated companies subscribed, for and held by Government, and amounting at its original or *par* value to the further sum of $1,880,000) may make the commencement of the next year the epoch of that "happy and memorable event," on the near approach of which the President has justly congratulated Congress and his fellow-citizens—"the extinction of the public debt of a great and free nation." The time and the occasion, whilst they are fitted to awaken the noblest feelings of the patriot, and to give confidence and ardor to the principles and hopes of every friend of republican institutions, call also upon us with equal force to discharge those weighty and honorable and practical duties to which we have been cordially invited by our Chief Magistrate—the removal of those financial "burthens which may be found to fall unequally upon any," and the reduction of the revenue to such a limit as "shall be consistent with the simplicity of an economical Government, and necessary to an efficient public service."

The examination of the general accounts of the receipts and expenditures of the United States for the last six years presents the following results: The aggregate expenditure for the six years ending with the 31st December, 1832, (including the estimated expenditure of the present month,) amounts to 162,400,000 dollars.

During the same period that expenditure has been supplied by an aggregate amount of revenue from various sources, but chiefly from the customs, of $157, 690,000, in addition to an unexpended balance in the Treasury at the commencement of that term, of 6,358,686 dollars, about one-sixth of which, consisting of the paper of broken banks, and similar funds, has remained unavailable in the Treasury.

Deducting from these receipts and expenditures the amount received and paid out on account of claims of our citizens against foreign Governments, of which the Treasury was merely the channel of receipt and payment, there will result an annual average of *twenty-six millions* of dollars of annual income, and an annual average expenditure absorbing this amount, together with the balance in the Treasury at the end of 1826, amounting to nearly twenty-seven millions of dollars a year.

During the same period 80,178,000 dollars of public debt was paid off, leaving an average annual amount of expenditure for all other purposes, of something less than thirteen millions five hundred thousand dollars.

These amounts are stated in round numbers, as they are sufficiently accurate for all the purposes of this report, and present the views of the committee, unembarrassed with minute detail, in a minute, perspicuous manner.

In the gross sum upon which this average annual expenditure is calculated were included the payment for the settlement of the claims of Massachusetts, Virginia, and South Carolina, the large expenditure consequent on the emigration of the Indian tribes, and the extinguishment of Indian titles, all made during the last three years. Making allowance for these extraordinary expenses, the income necessary for the ordinary operation of Government, providing liberally for an efficient civil, military, and naval service, need not amount to more than thirteen millions of dollars annually, including the Pension system of former years. This calculation, deduced by the committee from the Treasurer's accounts from 1827 to 1832 inclusive, corresponds in its result very nearly with one furnished by the Treasury Department, founded on somewhat different data, by which the average expenditure of six years, from 1826 to 1831 inclusive, for all ordinary and fixed expenses, together with those of a less permanent character, but growing out of the regular and long continued policy of our legislation, as for fortifications, navy yards, light-houses, &c., is stated at 13,148,000 dollars. To this sum the act at the last session, extending the system of revolutionary pensions, will require for some years, an additional sum, which is not yet fully ascertained, but is certainly not less than one million of dollars. If another annual million be added to the enlarged expenses of our present Indian policy, for the erection of custom-house and public stores, for future and unforeseen contingencies of all sorts, including those of temporary collisions with foreign powers or the Indian tribes, the clear revenue of fifteen millions seems to cover all that can be required for national expenditures in ordinary times. This sum, it will be remarked, is that estimated as the proper permanent revenue of the nation by the Secretary of the Treasury in his reports of the last and present year.

But, in making this estimate, this sum is assumed by the committee, not as absolutely necessary for the support of Government, but as being liberal and abundant. Looking mainly to the providing a safe, permanent and honorable revenue, not to the extreme possible limit of expense, they have not sought to find the lowest sum to which a rigidly economical administration, seconded by a legislation of Congress equally vigilant over the Treasury, could reduce the national expenditure, but have wished to secure a regular income, amply sufficient, not only providing on a liberal scale for every object within the just limits of federal legislation, that can advance the ho-

nor or prosperity of a nation loving peace, yet prepared for war, but moreover to leave such a balance, after defraying the ordinary charges of Government, as may meet any unusual and unexpected demands, other than those which would arise from a state of regular and long continued warfare. The chance, too, of an accidental and temporary diminution of revenue for a year or two, arising from the fluctuations of trade, or the political changes of foreign nations, presents also another strong argument for assuming a liberal scale of revenue.

To this annual amount, however, of *fifteen millions*, the revenue must be reduced. All beyond this, must be a needless burden upon the people—a tax falling, directly or indirectly, upon the land and labor of the country, certainly injurious in its effects, and probably unequal, enabling the Treasury only to divide and distract our public councils, by tempting to expenditures either of doubtful constitutional right, or inconsistent with the simplicity of republican institutions, staining their purity and hazarding their permanence.

The act of 1832 has made a partial reduction towards this point. But under this act the revenue from the customs for the next year is calculated in the report of the Secretary of the Treasury at about *eighteen* millions.—This is made upon an estimate founded on the average importation of the last six years. The probable average of the next six years, for reasons which will be hereafter stated, will exceed that estimate. If to this sum be added the income of the public lands, the Treasury would receive, under that act, a revenue, for some years hereafter, of not less than twenty millions and a half, and probably of more than twenty-five millions, exhibiting an annual excess of from five to nine millions over the just uses of the Government, taxing every family in the United States to its share, or more than its share, of that uncalled for excess.

This excess, in the opinion of the committee, should be reduced by the present Congress, and at the present time. The extinguishment of the debt, and the commencement of the new Presidential term, mark this as a fit season for permanent fiscal regulations. It is vitally important, too, to all engaged in any of those numerous commercial, manufacturing, or agricultural enterprises, which are affected by changes in the rates of impost, and are more exposed to suffer from uncertainty than even from error in legislation, now to know the intention and policy of this Government in regard to their several interests. The occasion, too, of economical reduction, affords a propitious opportunity to make such a re-adjustment of the rates of impost as may distribute and equalize, amongst all, those burthens which "may be found to fall unequally upon any"—whether pressing with peculiar hardship upon any class of the community, or any species of labor in any section of the country.

Deeply impressed by these considerations, the committee have prepared a bill for reducing and otherwise altering the rates of duties upon foreign merchandise, which, should it meet with the approbation of Congress, may serve as a basis for our financial system for many years.

Throwing out of view for the present the progressive reduction that expediency and even justice may require, they have fixed the revenue to be ultimately raised at a sum not exceeding fifteen millions. The stocks owned by Government, they regard solely as an offset to the remaining debt.

Neither justice, nor any principle of liberal policy, can permit, without urgent necessity, that the Post Office should be made a source of revenue. It should bear its own expense and no more. Its whole profits should be applied, as they have heretefore been, to the improvement and extension of the system, giving the greatest possible facilities, at the least possible private charge, to the diffusion of intelligence and the interchange of correspondence.

The only sources of revenue on which the committee propose to rely, are the Public Lands and the Customs.

The public Lands, at the present system of sale, may now safely be calculated as producing an annual income of two millions and a half.

It is true that various plans for disposing of these lands in such a manner as to withdraw the proceeds from the general funds of the Treasury, have been proposed by the highest authority. The committee do not propose to enter into any discussion of the merit of these propositions. Until it be altered by legislation, they must regard the actual system as the settled policy of the Government. They must, however, observe, that should that policy be changed, such alteration would not of necessity overthrow or disarrange the plan of finance now proposed.

Throwing out of account altogether the large sums expended in former years by the United States in acquiring this territory, either by arms or by purchase, together with the past expenses of our land system, as yet unliquidated by the proceeds of the sales, there are other current expenses now defrayed from the general funds of the Treasury, which might be justly chargeable upon the income from the lands, should that be made a distinct fund, and which, if paid from thence, would thus far diminish the amount of revenue necessary to be drawn from other sources—These are, 1st, *The expenses of the Land System itself*—about 25,000 dollars annually.

2d. The expenses of *Indian Annuities, Education*, and other stipulations arising under the treaties by which we have obtained possesssion of these lands. These, wholly exclusive of the charge of Indian emigration, amount at present to $392,700 a year, and will probably be much increased before the final extinguishment of the Indian title.

3d. *Revolutionary Pensions.*—The original title of a great part of these lands arose from the grants and releases of the States to the Confederacy for the purpose of common defence and general welfare, during the war of the Revolution, and they have been again and again solemnly pledged for the debts of the nation. The pensions now received by the surviving soldiers of the Revolution were at first granted under the harsh and unjust name of national bounty. But the act of 1828, and that of 1832, have now placed them on the more sound as well as more constitutional ground of payment of revolutionary debt, and an equitable, though not literal fulfilment of long neglected and violated contracts.

The pensions for the next two years will probably be (for as yet the exact amount cannot be ascertained) about two millions a year. But this sum depending upon the lives of old men, all about seventy years of age, must rapidly decrease, and in a very few years cease entirely. Should these pensions be considered for the present as a charge upon the lands, it would be temporary only. Within four or five years the greater part of the income, and in a few years more the whole would be liberated; and at either period the surplus from this source might be applied as the wisdom of Congress may direct, leaving the revenue from the customs sufficient for all other heads of public expenditure.

There then remains to be raised by the imposts on foreign merchandise, to meet all other charges and contingencies than those just recapitulated, the sum of *twelve millions and a half.*

The average value of all the imports, from 1827 to 1832 inclusive, is 86,200,000 dollars a year. The average of the six years immediately preceding, 80,900,000 dollars, showing an average increase of 5,300,000 dollars in six years, or about six and a half per cent. This augmentation arose solely from the natural increase of population

and of domestic products suited for export. There can, therefore, be little doubt that, without any change in the existing tariff, the same rate of increase would go on—not regularly, but holding good as to any average of a succession of peaceful years.

On this principle of calculation alone, the average of the next period of years would be ninety-two millions. But the operation of the revenue system now proposed, as compared with those of 1824 and 1828, would relieve the consumers of imported goods from a tax of twelve millions a year. These twelve millions heretofore paid by the American people to their Government, and by that Government principally to the public creditors abroad, will remain in the power of the consumer, to be applied according to his wants, habits, and tastes, in procuring an equal value of the other necessaries, comforts, or luxuries of life, probably, in a great degree, in an increased consumption, or in the use of a higher quality of the goods he had been accustomed to purchase. From the operation of this and other obvious causes, springing from a more moderate tariff on foreign manufactures, the average importation of the next six years may be safely computed at a further addition of at least eight, perhaps twelve millions, making a gross importation of above one hundred millions in value, and not much varying from the large importation of 1831 and 1832.

Judging from the experience of former years, one-sixth in value of the amount imported will be re-exported in our foreign exchanges, and about one-fifth of the gross revenue received from duties will be absorbed in expenses of collection, or repaid in drawback upon re-exportation.

Twelve millions and a half of revenue is then to be raised upon about eighty-four millions of imports, used or consumed in the United States, or, deducting therefrom the imports of specie, and of many other articles, which public policy, the security of the revenue, and various other motives have made free of duty, upon between sixty-five and seventy millions of dutiable commodities, according as the list of free goods is made more or less extensive.

The committee, in the bill herewith reported by them, have endeavored to arrange the duties with reference to this principle, at rates of from ten to twenty per cent., varying from them chiefly in those instances where national independence in time of war seemed to demand some sacrifice in peace, (as in regard to iron and lead,) where it was thought that a higher or lower rate of duty would be of advantage to the revenue, without any individual injury, (as in the case of spirits,) or where some branch of industry might be materially benefited by low imposts on some of its raw materials. On many articles, such as wines, spirits, iron, &c., experience has shown that fraud can only be prevented by specific duties on weight or measure; and as the rates must be graduated on the mean value of commodities of the same class or name, they may sometimes fall heavily on particular kinds or qualities of them.

In adjusting the several duties, they have conformed, unless some strong reason for a different rate was perceived, to those of the tariff act of 1816, with its short supplementary act of 1818. The act of 1816 was framed with great care and deliberation by some of our ablest statesmen, looking, at the same time, to the revenue then so particularly necessary for the discharge of our large war debt, and to the preservation, during a violent transition from war to peace, of the numerous manufactures that had grown up under the double duties, and the practical prohibition of the embargo, the non-intercourse, and the war with Great Britain. The vast increase of manufactures of all sorts in the United States during the eight years between 1816 and 1824, proves that the framers of that tariff, in providing revenue, had not only given ample, incidental security to existing manufactures, but even induced new investments of capital. So well does it appear to have been adjusted in regard to woollens, that the manufacturers of these goods, examined by the Committee on Manufactures of this House, in 1828, generally agreed that their business was in a more flourishing state under the tariff of 1816 than under the higher protection of 1824.

It has, however, been the wish of the committee to guard against a sudden fluctuation of the price of goods, whether in the hands of the merchant, the retailer, or manufacturer.

With that view they have made the reduction upon the more important protected articles gradual and progressive. The higher rate of duties for the next year, which result from this principle, if calculated upon the amount of importation assumed as a probable basis for the estimates of future years, would produce a revenue for the year 1834 unnecessarily large.

But commercial experience has repeatedly shown that, with the prospect of an early and large reduction of import, importation is generally closely limited to the immediate consumption of the country, and the certain demands of foreign trade; and that, therefore, unless this law is disturbed by some other powerful counteracting cause, it is not probable that the aggregate importation of that year will fall short of the average value assumed, and the revenue will not much exceed that estimated for the permanent income of the treasury. Should it prove otherwise, from any cause which cannot now be anticipated, the unexpended surplus will remain as a balance in the treasury to meet the contingencies of future years.

The committee, perceiving no sufficient reason why the consumer of foreign luxuries should not pay a share of the public burdens, propose to raise the rates of duties upon silks nearer to the average rate of duties imposed by the bill than they are under the act of 1832. They also propose to fix a moderate specific duty equal to about twenty per cent. on the value upon teas, which were made wholly free by the act of the last summer. This has been added from a motive of financial prudence, lest the revenue from the customs should, from any modification of the bill, or otherwise, fall short of the estimate, or the proceeds of the public lands should be, in part, diverted to some other source, in which case an increased revenue would be derived from this source of about seven hundred thousand dollars, calculated on the rather short importation of teas in the last year. Should this sum not be needed for the public service, it may be repealed without affecting the other parts of the system.

A detailed statement of the operation of the bill has been prepared, calculated upon the actual imports of 1831, a year of larger importation than any former year, but which will, it is thought, not exceed the average of future years, under the operation of a tariff such as that now proposed.

HOUSE OF REPRESENTATIVES, *February* 28, 1833.

Mr. ADAMS, by direction from the majority of the Committee on Manufactures, moved that the committee be discharged from the further consideration of the matters referred to them by the House; and on the part of the minority of the same committee, he presented the following report on so much of the President's annual message to Congress as relates to domestic manufactures, and the protection necessary to be afforded the same; referred to the committee by resolution of the House, of 13th December, 1832.

The subscribers, members of the Committee on Manufactures, to which was referred so much of the message of the President of the United States to Congress, at the commencement of the present session, as relates to the

protection necessary to domestic manufactures, dissenting from the report of the majority of the committee, present herewith respectfully to the House their own views upon the subject referred by the House to the committee to report thereon.

The parts of the message which relate to the protection necessary to domestic manufactures, may be considered separately or in connexion with other great national interests, forming the subject of the annual communication from the Chief of the Executive Department of the Government to the Legislature. In the message itself they are recommended to the consideration of Congress, in connexion with proposals for such further reduction in the revenue as may not be required for the objects of general welfare and public defence, which the constitution authorizes, and for which reduction the occasion is stated by the President to result from the impending final discharge of the national debt; an event on the occurrence of which the subscribers most cordially sympathize with the sentiments expressed by the President. They consider the final and total discharge of the public debt as a subject of grateful acknowledgment to the wisdom, energy, and fidelity to their trust, of those who preceded us in the management of our national concerns; of mutual gratulation to ourselves, who enjoy the benefits of this alleviation of the burdens cheerfully borne by our fathers, and hitherto by us, for the sacred preservation of the public faith; and of anticipated felicity to our successors, in the exemption from burdens which we and our fathers have borne without murmuring or complaint, to secure to them, our posterity, the blessings of freedom, independence, and union. Enjoying, in all the purity of patriotism, the comfort of this great alleviation of public burdens, the subscribers deprecate, with equal earnestness and sincerity, the contingency of any event which should, at the very moment of fruition, dash from the lips of our prosperity the cup of joy, and substitute in its place the bitter potion of disunion, civil dissension, and fraternal war.

Under these impressions, it was not without feelings of deep concern, and of painful sensibility, that the subscribers beheld, in the message of the President of the United States, the broad and unqualified assertion of principles, and the development of an entire political system for the future government of the Union, as new and unheard of, as to them it appears incorrect, and incompatible with the foundations of our political existence.

The first of these principles, and that from which all the others appear to the subscribers to be derived—the basis of the message, and of the whole system of administration for the futurity of this Union, is contained in the following position, which the subscribers submit to the consideration of the House in the very words of the message itself: "The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are, every where, the basis of society, and true friends of liberty."

That the President of the United States should, in a public document, addressed to the representatives of the whole people of this Union, peremptorily declare one part of the population by them represented better than the rest, appears to the subscribers little compatible with that equality of rights upon which our whole social system is, by them, believed to be founded. If one part of the population, parties to the social compact, is the best, it necessarily follows that another part of the same population is the worst; that there are different degrees of merit in different portions of the same population, estimated not by their moral, but by their social condition; not by their individual qualifications of virtue and understanding, but by their respective occupations and possessions.

In examining this fundamental principle of politics and morals, thus put forth as the foundation for the system of policy to be hereafter erected for the government of this great and growing confederated nation, the subscribers have endeavored to ascertain to whom it is that this proud pre-eminence of merit is assigned by the Chief Executive Magistrate of the Union. He asserts that the wealth and strength of a country are its population, and that the best part of that population are the cultivators of the soil. Now, the population of a country consists of the whole mass of human beings abiding within it; and of the population of this country, a vast proportion of the cultivators of the soil are in a state of servitude, possessing no rights, civil or political, and existing only as the property of another part of the same population. That these cultivators of the soil constitute a large portion of the wealth of this country, is undoubtedly true; that they constitute a considerable portion of its strength, is far more questionable; but the subscribers cannot believe it was to them that the intention of the President was to ascribe the transcendent honor of constituting the best part of our population; and, if not to them, neither was it to the class of freemen, in another part of the Union, also cultivators of the soil, laboring, like them, by the sweat of their brow, for daily subsistence, by daily labor, but in the full enjoyment of civil and political rights, and constituting in truth not a better, but as good a part of the population as any other in the community. It was not, however, to them that the President intended to attribute the superiority of excellence as a component part of the population. His meaning is more fully disclosed in the subsequent clause of the sentence above cited, in the affirmation that "independent farmers are, every where, the basis of society, and true friends of liberty." Taking the whole sentence together, the subscribers believe that, in the understanding of the author of the message, the cultivators of the soil, in the first part of the sentence, were identical with the independent farmers in the second; and that the sentiment, in the mind of the writer, and the aphorism of moral and of political economy laid down by the whole sentence, is, that, in all countries, generally, and especially in our own, the best part of the population, the basis of society, and the friends pre-eminently of freedom, are the wealthy landholders.

This principle is certainly not new in the history of the world, or of human government; it is the fundamental axiom of all landed aristocracies; it is the foundation of the feudal system, and, when carried out into practice, must inevitably resolve itself into it. The term aristocracy, by its derivation, is the government of the best; and where the property of the soil is distributed in portions so unequal that its cultivators are divided into masters and slaves, or into landlords and tenants, power will naturally concentrate itself in the hands of the large holders of the lands, who will soon constitute themselves the basis of society, the independent farmers, the best part of the population, true friends of liberty, confined exclusively to themselves, but holding in oppressive servitude the real cultivators of the soil, and ruling, with a rod of iron, over all the other occupations and professions of men.

Such has been the development of this fundamental principle of Government, in the history of other ages and countries. So has it especially disclosed itself in the annals of France, of Spain, of Germany, of Poland, of Russia, and of England. The independent farmers, or wealthy landholders, of all those countries, have constituted the ancient feudal barons, as they now constitute the modern nobles holding the laborious husbandmen of the same countries in servitude, or in abject poverty and the most degrading dependence.

The subscribers believe that the declaration of independence, and the Government of this Union, are founded upon a different and opposite principle—upon the principle that all men are born with equal rights; and that

however in one portion of the Union the independent farmers or planters, cultivating the soil by their slaves, may be considered, by one of themselves, as the basis of society, and the best part of the population, the assumption of such a principle as a foundation of a system of national policy for the future Government of these United States, is an occurrence of the most dangerous and alarming tendency; as threatening, at no remote period, not only the prosperity but the peace of the country, and as directly leading to the most fatal of catastrophes—the dissolution of the Union by a complicated, civil, and servile war.

Had it been possible for the subscribers to consider the principles thus authoritatively laid down in the message as a mere abstract, speculative opinion, indicative only of a mind habitually occupied in meditation upon the first principles of Government, they might have deemed it their duty to pass it over in silence, regretting that an opinion so adverse to all the lessons of history, and to every rational theory of human rights, should ever have found its way into the mind of the Executive Chief of the Union; and still more into an official communication from him to the Legislative Assembly of the nation. But they find it pervading every part of the message relating to the administration of the internal affairs of the country; they trace it in the denunciation of uncompromising hostility to the Bank of the United States; they discern it in the general dissuasion of all future encouragement or aid to be given to objects of internal improvement; they perceive it in the portentous recommendations to abandon all purpose of deriving a revenue for the general benefit from that invaluable fund of national wealth—the public lands; and in the astonishing proposal to give them all away to the States within which they are situated, or to adventurers who may be allured by promises of sharing in those spoils of the national domain, plundered from the whole people of the Union, to become members of this best part of the population, the independent farmers, cultivators of the soil, taken from all their fellow-citizens to be gratuitously bestowed upon them. They see it, above all, in the destiny to which the message consigns the great manufacturing interest of the country, including the handicraftsmen and mechanics of all our populous cities and all our flourishing towns. These are not the basis of society, they are not the cultivators of the soil, they are not the best part of the population; their equal rights may be trampled upon, their highest interests may be sacrificed, their property may be wrested from their hands, themselves and their families may be driven by measures of national policy, by acts of the Government of the Union, to beggary and ruin, for the benefit of the independent farmers, the wealthy landholders, the best part of the population.

Such are the practical consequences which must flow from the reproduction by the head of this National Union, as a fundamental principle of Government, of the old and long exploded doctrine, that the wealthy landholders of all countries constitute the best part of their population. Under this theory it can no longer be surprising to find in the message an entire system of propositions and of recommendations, which, if adopted and sanctioned by the Legislature, will accomplish a revolution in the Government of the United States, and, in the solemn and deliberate opinion of the subscribers, a total subversion of their constitution.

In descending from the general axiom, that in all countries the independent farmers or wealthy landholders, cultivators of the soil, constitute the best part of the population, to the measures of legislation recommended to Congress for carrying out this principle, in the administration of the Government, four features are discernible, as especially characteristic of the message. First, the abandonment for the future of all appropriations of public moneys to purposes of internal improvement. Second, the practically total dereliction of all protection to domestic industry, whether agricultural, manufacturing, or mechanical. Third, the nullification of all future revenue from the public domains, by the bestowal of them in free donation to voluntary settlers upon them, from the privileged class of citizens, cultivators of the soil, to swell the numbers of the best part of the population, at the expense of all the rest, or to the favored States in which this common property happens to be situated. Fourth, the denunciation of the Bank of the United States, depreciating the value of the stock held in it by the nation; distressing the commercial community with suspicions of the solidity of its funds, and stimulating the profligacy of fraudulent gambling in its stock. In every one of these four particulars the recommendations of the message are in diametrical opposition to the well established, deliberately adopted, and long tried policy by which the Union has hitherto been governed, under the present constitution of the United States; in diametrical opposition to the purposes for which it was formed, to the principles upon which it has been administered, and, with the most painful, but most undoubting conviction, the subscribers must add, to the solemn compacts and indefeasible obligations by which the nation is bound.

Although the plan of Government marked out and delineated in the message forms a whole system, sufficiently consistent with itself, and all derivable from the fundamental position that the wealthy landholders constitute the best part of the population, yet it is observable, that in every instance the subordinate principle advanced as the groundwork of each separate recommendation, is, by the terms of the message, so qualified in the theory, as scarcely, if at all, to differ from the views and opinions entertained by the friends of the interest which the recommendation itself is adopted to destroy. Thus, for example, in the recommendation to abandon all future appropriations of public moneys for purposes of internal improvement, the only principle avowed is, "that the constitution does not warrant the application of the funds of the General Government to objects of internal improvement, which are not national in their character." From this position, the most ardent and most liberal friend of internal improvement will not dissent. No appropriation ever has been asked; there is not the shadow of a danger that any appropriation of funds ever will be asked, but for objects alleged to be of a national character; and of their legitimate title to that character, the representatives of the whole people, and of all the State Legislatures in Congress assembled, under the control of a qualified negative by the Chief Magistrate of the Union, all acting under a constant responsibility to their constituents, are qualified and competent judges. That there will be, as there have been, diversities of opinion, whether any specified object of internal improvement is or is not of a national character, may be freely admitted; and that in all cases where it may be reasonably doubted, the wise and prudent policy of the constituted authorities will induce them rather to withhold than grant the appropriation, is a conclusion deducible not less from the experience of the past, than from the confidence due to the moral character of the delegated representatives of the nation. That in the great majority of applications for appropriations in aid of internal improvements, which have been made to Congress, the objects for which they were solicited have been of a national character, could not be and was not doubted. Of the appropriations made, the subscribers confidently affirm that none can be pointed out which are not unquestionably of that character. If there has been error in the administration of the Government, in the application of appropriations to these objects, it has been an error of parsimony and not of profusion; a refusal of the public money where it ought to have been

granted, and not a bestowal of it where it ought to have been denied. In the sober and honest discretion of the Legislature, under the vigilant supervision of the Executive Chief, a guard amply sufficient for the protection of the public resources against wasteful or improvident expenditures, has been provided by the constitution.

It is said in the message, that "without some general and well defined principles, ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory." Suppose this position, in its fullest extent, to be admitted. The message does not deny that the power of granting appropriations for internal improvements of a national character is vested, completely and unequivocally vested, in Congress, by the constitution; and the President himself, in the discharge of his official duties, has, in numerous instances, given his sanction to such appropriations. And in that grant of power, as in all others, is necessarily and unavoidably implied the power of ascertaining and defining the principles upon which, in the spirit of the constitution, it shall be exercised. If, therefore, in the exercise of the power of making such appropriations hitherto, there has been a neglect or omission to ascertain and define the principles upon which they have been made, it is a duty yet to be performed by Congress itself, and which requires the interposition of no other power. It is obvious that to resort elsewhere than to Congress itself, to ascertain and define the objects upon which the power is unquestionably delegated to them of appropriating public moneys to internal improvements, is precisely equivalent to a denial of the right of Congress to exercise the power in all cases whatsoever.

With regard to the danger to which the message supposes Congress may be exposed, of making hasty appropriations to works of the character of which they may be frequently ignorant, the argument necessarily presupposes a habitual, gross, and criminal neglect of their duties, by a majority of both Houses of Congress, a reflection upon the honor and honesty of those bodies, of which the subscribers deem it sufficient to say that it is equally unwarrantable and misplaced. So long as the members of both Houses of Congress shall entertain a just sense of their duties to their country, to their constituents, and to their own characters, so long there is, and will be no danger--none, whatever, of their being exposed to make hasty appropriations to works of the character of which they are ignorant, or to any other purpose. The members of both Houses of Congress are accountable for the wisdom, as well as for the purity of their official conduct, not to the Executive Magistrate, himself accountable to them for his own, but to their constituents and to their country. Nor has that country committed to the Executive Magistrate the custody of its own purity, in the exercise of the elective franchise. If it be true that a prospect of making navigable a creek or river--of bringing commerce to the doors of the people--or of increasing the value of their property, may operate occasionally as inducements to individuals to favor by their suffrages the success of a candidate whom they may suppose to be better qualified than his opponent, to obtain for them those great and valuable improvements—is it justice or equity —is it a fair perception of the nature of things, to stigmatize this as a corrupting influence? No influence can be more just and pure. To benefit the people, by making navigable the river or creek in their neighborhood—by bringing commerce to their doors--and by increasing the value of their property, are among the most important and most valuable services that a representative can render to his constituents. To draw good from evil, is one of the high and holy attributes of Omnipotence. To draw evil from good, is the peculiar attribute of the arch enemy of mankind; but singular, indeed, is the aspect of that political axiom, which imputes dishonesty to the representative in the zeal with which he promotes the interests of his constituents; and finds the evidence of corruption in the exercise of the highest beneficence. Suppose this calumniated influence to be successful; suppose a candidate to be elected to Congress, by the confidence of his constituents in the superiority of his talent and capacity to obtain appropriations of public money to render their neighboring river navigable--to bring commerce to their doors, and to increase the value of their property--talent and capacity are qualities of which men seldom form erroneous estimates, in the choice of their representatives, when their judgments are enlightened by their interest. Talent and capacity, brought into the representative councils of the nation, by the selection of a member for one district, under the influence of a belief that it will be exerted for the benefit of those by whom he is chosen, is talent and capacity available on the scene where it has been introduced, for all the great interests of the nation. It is there that the representative of every single district becomes a representative of the whole people. As the representative of one district, he has, to promote the interests of his immediate constituents, but one of more than two hundred votes: but that one vote he has also upon all the questions within the competency of Congress, and affecting the interests of the whole nation, and of all its parts. The result, then, of every election which brings into this House a member, recommended to the favor of his constituents by the zeal and ability with which he may promote the internal improvement of his own neighborhood, is essentially advantageous to the whole nation, and has a direct tendency to establish a high standard of intellectual worth, as the measure of qualification for a seat in the House. It is congenial to that spirit of moral elevation and dignity which constitutes the only solid foundation of representative Government; and it is only by confounding the elements of good and evil that it can be stigmatized as tainted with corruption.

As little can the subscribers yield their assent to the reasoning in the message, which effectively urges upon Congress to refrain from the exercise of all powers of which more than one-fourth, that is, seven States of this Union, would be unwilling now to make the grant, and which any still smaller portion of the people may, at any period since the existence of the constitution, have opposed or resisted under the vague and indefinite denomination of doubtful powers. Fearful and hopeless, indeed, would be the condition of the people of these United States, if every grant of power delegated by them, for their own benefit and improvement, to their united national supreme Legislature, should be annulled or struck with impotence by every scruple of doubt which the refinements of metaphysical subtlety, the transient ebullitions of popular excitement, or the factious instigations of electioneering artifice, have, from time to time, disseminated over different sections of the country. There is, perhaps, not a single grant of power to Congress in that great national compact of Government, the constitution of the United States, which at some period of our history has not been assailed by numerous parties and their controversial wranglers, as doubtful powers; even at this hour we are, apparently, on the verge of a conflict in arms, on the very borders of a civil war with one of the States of the Union, for the exercise of powers, the want of which first gave rise to the constitution itself, which have been quietly exercised from the organization of the Government for nearly forty years without a dissenting voice; and which now, under the new lights of nullification, have been discovered to be such plain and palpable violations of the constitution as to warrant the State in which this discovery has been made, in resorting to her sovereign power to declare them within her own borders null and void. There are seven States of this

Union, the whole free population of which, by the returns of the last census, amounted only to seven hundred and seventy-one thousand two hundred and eighteen souls; a majority of these, sufficient to command the vote and decision of them all, would be less than four hundred thousand; and thus, upon the recommendations of the message, a nation, consisting of ten millions of freemen, must be crippled in the exercise of all their associated power, unmanned of all their energies applicable to the improvement of their own condition, by the doubts, scruples, or fanciful discontents of a portion among themselves, less in numbers than double the amount of population in the single city of New York.

The subscribers assume as a principle, demonstrated beyond all possibility of doubt, that of the whole free population of the Union, a vast majority—they entertain, themselves, no question that it is a majority amounting to more than three-fourths of the whole—believe, without a scintillation of doubt, that the power of appropriating public moneys to objects of internal improvement of a national character, as understood by Congress itself, has been delegated to Congress by the whole people, in the constitution of the United States. The message itself does not question this grant of power; and it is tacitly affirmed by the Chief Magistrate himself, in his sign manual affixed to every act of Congress making such appropriations which has received his signature. What reason or motive, then, can there be for Congress to interdict itself from the exercise of beneficent power, essential to the welfare and prosperity of the whole people, to gratify the dog-in-manger disposition of less than one-twentieth part of the community? Truly, very truly, does the message say that "there is nothing so worthy of the constant solicitude of this Government as the harmony and union of the people;" but, is it imagined that harmony and union can be promoted by the perpetual sacrifice of the will, the interest, and the wellbeing of nineteen-twentieths of the whole people, to the contracted and envious passions, or to the sordid parsimony of the remaining twentieth? The subscribers will neither express nor entertain a suspicion that the recommendation to apply to the States of this Union for grants of additional power to Congress, and in the mean time to abstain from the exercise of all powers, which the one-twentieth part of the people may be pleased or instigated to consider as doubtful, was not made in good faith and sincerity; but without questioning the motive which could lead to such a proposal, they cannot but regard it in effect as disclosing the purpose of disabling and abdicating all power of making appropriations for all and every great object of internal improvement hereafter and forever. As little hesitation have they in declaring it as their belief, that this purpose, and the whole system of which it forms a part, is in nowise calculated to promote the harmony and union of the people. It is a natural emanation from the fountain of a principle divided itself, and the source of all fatal division--a principle which pronounces one class of the citizens of this Union, to the disparagement of all others, the best part of the population.

The subscribers disclaim all communion of sentiment with this opinion, to which they can assent as true in no sense whatever. They deny that there is any sense to which language can give utterance; and in which the cultivators of the soil, be they who they may, included under the denomination, can, with truth, be called the best part of the population. They believe, on the contrary, with the greatest orator, statesman, and patriot of ancient Rome, and with the sublimest genius of ancient Greece, with Cicero and with Plato, that "whosoever gives preference to one part of the citizens, and neglects another part, introduces into the community the elements of the most pernicious discord and sedition. It necessarily produces rival factions, some favoring the populace, and some favoring the best, and leaving scarcely any favorers of all." This was the patriotism of Cicero; this was the philosophy of Plato, two thousand years and upwards before the declaration of independence. The doctrine is founded upon eternal truth. It is the only doctrine upon which Governments of equal rights can be founded; as that which divides the population into a best and a worst part is the never-failing source of tyranny and oppression, of civil strife, the shedding of brothers' blood, and the total extinction of freedom.

The subscribers hope and trust, therefore, that Congress will not abdicate, by nonuser, the power delegated to them by the constitution of the United States, of making appropriations of public money to great national objects of internal improvement. They consider the exercise of the power as essential to the welfare and prosperity of the whole people; they believe it to have been delegated for the purpose of promoting that welfare; and that to refrain from the exercise of the power would be a dereliction of duty in Congress itself, and treachery to the trust committed to them by the people. They further believe that the people of this Union never will submit to a permanent abandonment of the principle, hitherto so successfully and so advantageously to them carried into practice, of making such appropriations: that however it may be suspended for a time, under a theory of partial preference to an imaginary best part of the population, it will never be extinguished but with the life-blood of the Union itself. For what is the final result of this doctrine of abdicating powers arbitrarily designated as doubtful? What but the degradation and impotence of the nation itself?—the degradation of chaining its own hands? of fettering its own feet? of disabling itself from bettering its own condition? The impotence of inability to employ its own faculties for its own improvement. It is the principle upon which the roving Tartar denies himself a permanent habitation, because to him the wandering shepherd is the best part of the population; the principle upon which the savage of the American forest refuses to till the ground, because to him the hunter of the woods is the best part of the population. Imperfect civilization in all stages of human society shackles itself with fanatical prejudices of exclusive favor to its own occupations, as the owner of a plantation with a hundred slaves believes the summit of human virtue to be attained only by independent farmers, cultivators of the soil. Not by such opinions or such maxims of Government were the people of the United States animated and inspired, when, "in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, they did ordain and establish the constitution of the United States of America." Their purpose, in this great and solemn mutual covenant, was their own improvement—the improvement of the condition of the whole. The constitution itself is but one great organized engine of improvement—physical, moral, political. It directed the assemblage, from time to time, of chosen bodies of men, vested with limited powers, to consult, to deliberate, and to act upon all the great interests of peace and war, common to the people. It was no compact of separate and distinct bodies politic. The separate States were not competent to form any such compact, or to confer any such powers; the people of each State were competent to form, and did form, constitutions for themselves; but their sphere of action to ordain and establish was limited within their own boundaries. For where did the State, the creature of the sovereign people of Massachusetts, where did, or where could, that State acquire the right of bestowing upon the people of Pennsylvania a right of representation in this House? As well might the State of Massachusetts have undertaken to ordain and establish who should be represented in the Parliament of Great Britain, or in the Chamber of Depu-

ties of France. The whole people of the United States were alone competent to determine and to ordain how, and in what manner, they and their posterity should be represented in this assembly; and as well might it be contended that the State of Ohio, which had no existence, or the State of Louisiana, which was a Spanish colony, were parties to the constitution of the United States at its formation, as that the parties to it were the thirteen States of which the old lifeless confederation had been composed. The constitution was, as it is on its face declared to be, the act of the whole people, and it is the instrument by which they organized the means of effecting the improvements of their own condition, by the agency of their Government. In refraining from the exercise of the powers delegated to them for the good of the whole, the Government not only abdicate their own power, but effectively disable that of the nation itself. The energy which slumbers in their hands, is no better than dead to the good of the people; it arrests the hand of Divine beneficence itself; degrades the nation to a level of inferiority among the families of mankind, and proclaims as the fundamental law of their association their inability to apply their own faculties to their own elevation in the scale of being.

It is, then, with sentiments of deep mortification and of unqualified dissent, that the subscribers have observed the earnest recommendations to Congress in the message, to abandon the whole system of appropriations for internal improvements, which has hitherto been pursued; which was in the full tide of successful experiment; and which, for a long series of years, has been contributing to increase the comforts, to multiply the enjoyments, and to consolidate the strength and happiness of the American people. To abandon them all, for in no other light can they consider the extraordinary though vague and indefinite commendations of simplicity, as the suitable characteristic for the Government of a nation of swarming millions of human beings—the intensely urgent exhortations to Congress to refrain from the exercise of all beneficent powers, which one-twentieth part of the people may carp and cavil at as doubtful—the incomprehensible argument that harmony and union are to be promoted by stifling the firm and manly voice of nineteen-twentieths of our constituents, to satisfy the brainsick doubts, or appease the menacing clamors of less than one-twentieth—and, finally, the direct recommendation to Congress, to dispose of all stocks now held by the General Government in corporations, whether created by the General or State Governments, and to place the proceeds in the treasury.

In these recommendations, and in the spirit with which they are pressed upon the consideration of Congress, the subscribers can discern nothing less than a proposed revolution of government in this Union—a revolution, the avowed purpose of which is to reduce the General Government to a simple machine. A simple machine? The universe in which we daily revolve, and which seems to our vision daily to revolve round us, is a simple machine under the guidance of an omnipotent hand. The President of the United States, one of the functionaries provided by the constitution for the ordinary management of the affairs of the Government, but not entrusted even with the power of action upon any proposed alteration or amendment to the constitution, undertakes to reduce the General Government to a simple machine—the simplicity of which shall consist of universal beneficence, in preserving peace, affording a uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging, unfelt, its other (nameless, unenumerated, and undefined) superintending functions. Truly this simplicity may be aptly compared with that of the Government of the universe; needing only an omnipotent hand to guide and regulate its movements, and differing from it, as would seem, only in the self-denial of all power to improve the condition, or promote the general welfare of the community, by and for whom this simple machine was ordained. To the subscribers, it appears that, of all the attributes of Government among men, simplicity is the last that deserves commendation. The simplest of all Governments is an absolute despotism; and it may confidently be affirmed, that, in proportion as a Government approaches to simplicity, will always be its approaches to arbitrary power. It is by the complication of Government alone, that the freedom of mankind can be secured; simplicity is the essential characteristic in the condition of all slavery; and if the people of these United States enjoy a greater share of liberty than any other nation upon earth, it is because, of all the Governments upon earth, theirs is the most complicated. The simplicity to which the recommendations of the message would reduce the machine of Government, is a simplicity of impotence; an abdication of the power to do good; a divestment of all power in this confederated people to improve their own condition.

In the recommendations of the message, relating to the disposal of the public lands, the subscribers perceive the same speculative aversion to control, which seeks to reduce the Government to a simple machine, the same preference of one class of citizens—the independent farmers, cultivators of the soil—over all other members of the community. The recommendations of the message are, "that the public lands shall cease, as soon as practicable, to be a source of revenue; that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse to the United States the expenses of the present system, and the cost arising under our Indian compacts; and that, in convenient time, the machinery of accurate surveys and undoubted titles be withdrawn from the States, and the right of soil, and the future disposition of it, be surrendered to the States respectively in which it lies."

The proposition is to give away all the public lands—first, to enable individual adventurers to secure an independent freehold, because cultivators of the soil are the best part of the population; and, finally, to surrender all the remainder to the States in which the lands are situated, because "it cannot be expected that the new States will remain longer contented with the present policy, after the payment of the public debt."

The public lands are the property of the whole people of the United States; they are the national domain. To give them away to individual adventurers, is to take away the property of one portion of the citizens, and bestow it upon another; and, as if this outrage upon the right of property were not sufficient without the superaddition of insult, the plundered portion of the community are told that those on whom their lands are lavished, are the best part of the population. It is said in the message that "the proceeds arising from the sale of the lands are distributed chiefly among the States which had not originally any claim to them." Were this assertion true, what possible bearing can the places where the proceeds of the sale of property are distributed, have upon the right of the proprietor to the proceeds of the sale? The proceeds of the sales of public lands are not distributed in gratuities. What is meant by the assertion that they are distributed among States? They are not distributed among States at all. What is meant by "States which had not originally any claim to them?" What State had originally any claim to the public lands in Louisiana or Florida? What portion of the public lands is there to which the whole Union, and of course every State in the Union, had not originally a claim? From the very formation of the confederation, all the States, within which not an inch of public land existed, had a claim to their just proportion of the public lands situated within the boundaries of the other States—and that claim was just; in deference to the justice of that claim, all the cessions of public lands were made by the States in which they were situated; and without those cessions, the confederation never would have been formed.

The right of the whole people, therefore, to all the public lands, is a perfect right, independent, totally independent, of all consideration of the localities where the proceeds of the sales of them may be distributed, and for the enjoyment of which, as a right founded in the first elements of human society, the States wherein the lands are situated have no more right to be discontented than the tenant of a dwelling-house belonging to another has the right to be discontented that the fee of the possession is in his landlord and not in himself.

This right of property is, however, not wholly unqualified. The cessions of territory made to the United States by the States of New York, Virginia, Massachusetts, Connecticut, South Carolina and Georgia, were all conditional; and the common condition of all the grants was, that the lands by them respectively ceded should be held and disposed of for the use and benefit of all the United States, the ceding State included, and for no other use whatsoever. Upon this condition, all the cessions were accepted by the United States in Congress assembled, and the United States thereby contracted the solemn and positive engagement to hold and dispose of all the lands thus ceded conformably to that condition, and to no other use whatever.

The constitution of the United States, in the third section of the fourth article, declares that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States;" with the express addition that "nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." And in the sixth article, it provides "that all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation."

It appears to the subscribers that Congress could neither give away the public lands to individual settlers, to enable them to acquire independent freeholds, or surrender them to the States in which they are situated, without a threefold violation of the constitution: first, by abdicating the power entrusted to them of disposing of the territory of the United States, conformably to the conditions under which it is held, and of making all needful rules and regulations respecting it; secondly, by prejudicing the just and undoubted claims, both of the United States, and of every particular State within which there are no public lands; and, thirdly, by trampling under foot solemn engagements entered into before the adoption of the constitution. In the list of powers to be exercised by Congress, when the Government shall be reduced to the simple machine, avowed to be the purpose of the President by the recommendations of the message, this power of disposing of, and making needful rules and regulations for the territory and other property of the United States, is entirely overlooked; very consistently, indeed; for if the whole property should be squandered away to make independent freeholders, or surrendered to the States wherein the common possession happens to be located, there will be no longer any territory belonging to the United States to dispose of, or needing rules and regulations to be prescribed by Congress. The Government will be made a much simpler machine; but it will be a simplicity purchased with all the wealth, all the rights, and all the good faith of the nation; purchased by prejudicing the claims of the United States, and of every State other than those in which the lands are situated; purchased by setting at naught the first principle of justice, the sacred rights of property, and the explicit engagements not only entered into before the adoption of the constitution, but pledges of faith, without which the confederation itself never would have been sanctioned.

The same principles are applicable to the public lands situated within the States formed from the territories included in the purchase of Louisiana, and in the Floridas. These are lands not only belonging to the United States, but purchased with moneys from their common treasury. Upon the principles recommended in the message, the whole mass of them may be given away to foreigners, to emigrants from every quarter of the globe, aliens, and perhaps enemies to this country, who may thus be converted into independent freeholders, and constitute, under this improved code of morals, the best part of the population. The subscribers deem it an excellent part of the policy of the Union to welcome the useful industry of foreign freemen seeking the enjoyment of liberty and equal rights, and honest subsistence, and the chances of affluence upon our shores; but they conceive it neither politic nor just to bestow upon them, or upon any adventurers, whether of foreign or of domestic birth, the acquisitions of the nation, made with the moneys levied upon all the people in all the States.

Congress are told in the message that it cannot be expected that the new States will "remain longer contented with the present policy, after the payment of the public debt." By the present policy is here meant the policy of holding and disposing of the public lands as public property. The proposal is, therefore, to change the present policy, for that of giving away this public property, partly to individual adventurers, and the remainder to the "new States"—one of which is the State of Tennessee. And what are the arguments by which this change of policy, or, in other words, this surrender of property, is urged? It is said "that the adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the lands they occupy, paid into the treasury a large proportion of forty millions of dollars; and, of the revenues received therefrom, but a small part has been expended amongst them." Is this a reason for giving away to new adventurers, or to new States, the property belonging to the adventurous and hardy population of the West, in common with the adventurous and hardy population of all the rest of the Union? To the epithets of adventurous and hardy, applied to the population of the West, the subscribers take no exception, as descriptive of qualities truly belonging to that class of our fellow-citizens: that population went forth from the old and long settled States, from the thirteen confederates of the revolution, and left behind them a population not less adventurous and hardy than themselves. If the population of the West have contributed their equal share of taxation under our impost system, so have the population of all the rest of the Union. If, in the progress of the Government, they have paid into the treasury a large portion of forty millions of dollars for the lands they occupy, they have received, in the property of those lands transferred to them by the nation, the value to them of many hundred millions of dollars as an equivalent. That a small part of the revenue received from the proceeds of the public lands has been expended amongst them, if estimated in proportion to the relative amount of revenue collected amongst them, may be doubted; but the subscribers believe that justice and policy would alike dictate a larger expenditure of the revenue amongst the population in the West, than has yet been authorized. It is in the Western country that the greatest, the most useful, and the most expensive works of internal improvement have been undertaken, or are most urgently needed. To such works, unquestionably of a national character, the subscribers believe that a full and ample proportion of the public revenue, whether collected from the sales of public lands, or from other sources, ought to be applied, and the moneys so appropriated would be almost exclusively expended among the population of the West. It is in this manner that, without doing injustice to any other part of the Union, the pro-

ceeds of the sales of the public lands may be applied to the special improvement of the Western country; that they may be, beneficially to all, expended among the settlers on the public lands themselves, and, while contributing to the improvement of the whole Union, facilitate and encourage the progress of the new settlements, by furnishing, at once, occupation for industry, reward for labor, and the rapid appreciation of the lands upon which the settlers may fix their abode. Such, the subscribers believe, are the dictates of a policy, at once prudent and magnanimous: but this policy cannot be promoted by arresting the progress of works already commenced; by refusing appropriations for works demonstrated to be of a national character; or by giving away to single adventurers, or to the new States, the whole invaluable fund, inexhaustible, if duly managed, for long centuries to come, of lands purchased by the blood of our revolutionary fathers, and by their treasures or our own.

In this examination of the proposal to give away all the public lands of the Union, the subscribers have deemed it their indispensable duty, though a painful one it has been, to resort to the first principles of natural justice, to the sacred right of property, and to the positive injunctions of the constitution, to prove that it is alike subversive of them all. The project itself is not new: the subscribers are unwilling either to trace its origin, or to scan the motives and purposes from which it proceeded. But never before have they witnessed; never again, they will hope, may it be seen seriously recommended in a message from the President to the Congress of the United States. The public lands are the property of the Union; the possession, the use, and the disposal of them, for the benefit of the whole, are guarantied by the elementary principle at the foundation of civil society, by the immutable laws of justice, and by the express terms of the constitution, which we have all sworn to support. The power to give them away has not only never been delegated to Congress, it has been, by direct implication, prohibited. The attempt to give them away, by an act of Congress; would be an act of transcendent usurpation, null and void in itself, and substituting arbitrary power in the place of constitutional right. The attempt to carry it into effect would be a dissolution of the Union, an inextinguishable brand of civil war. This the subscribers do with the profoundest conviction believe; this they cannot, without violating the trust reposed in them by their constituents, refrain from declaring. They solemnly deprecate the contingency that such a proposal should ever again be made.

Congenial with it, and apparently flowing from the same erroneous and partial fundamental principle of government, that the wealthy landholders are the best part of the population, the subscribers are constrained to consider all the recommendations of the message in relation to the manufacturing interest of the country. The spirit of the message looks steadily, though with occasional blenching, to that interest, as a victim to be sacrificed. The approaches to the altar are not always direct, but the instrument of death is never sheathed, and the grasp with which it is held is ever intent to strike the blow. As in the principle of limitation to the congressional power of appropriating money for internal improvement, so, in the restriction of that which may be exercised for the protection of domestic industry, care is taken to commence with a general axiom, which the friends of the manufacturing interest themselves will readily admit. That the revenue of the National Government should be adapted to their expenditures, and that the expenditures should be strictly limited within the sphere of objects warranted by the constitution, and regulated by a severe and vigilant economy, the most ardent friends of the manufactures will cheerfully allow. Nor would they deny "that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war." If the enunciation of the principle of legitimate protection in these terms discloses a mind in search of reasons for withdrawing the protection secured by existing laws, it is rather in the disposition thus evinced, than in the abstract proposition with which it is clothed, that the manufacturing interest may discern the determined hostility with which it is assailed. The manufacturer asks for no protection beyond that which may be necessary to counteract the regulations of foreign nations, and to secure a supply of the articles essential to the national safety in time of war. But this protection has been extended to the manufacturing establishments by the existing laws. It has been extended to them, not as a favor to that separate interest, for no such favor has ever been indulged in the legislation of the Union, but for the purpose of counteracting the injury of foreign regulations, and for the purpose of securing the supply of articles essential to the national safety in war. The manufacturers of the old and long settled States have been protected from the injurious regulations of foreign nations, as the planters of the South and the settlers of the West have been protected from the depredations and hostile incursions of Indian savages. Nearly the whole charge of the military peace establishment is borne by the nation for the protection of the South and of the West. Of the millions upon millions expended, ever since the existence of the Government, upon Indian wars and negotiations, the manufacturer of Pennsylvania, of New Jersey, and of Massachusetts, has paid, and continues to pay, his full proportion. And what is Indian war or Indian negotiation to him? The whole naval establishment of the Union is maintained to protect the immediate interest of the commercial part of the community. The manufacturer, the farmer, the planter, have no direct interest in this; they all pay taxes to protect from foreign hostility the property of the merchant, and the person of the navigator. The war last waged with Great Britain, and which cost the nation upwards of a hundred millions of dollars, and perhaps fifty thousand lives, for what was it proclaimed but for wrongs to the merchant and mariner, in which the manufacturer and the farmer, as distinct classes of society, had not one dollar of interest; yet for the maintenance of which they bore their equal portion of taxation, and devoted their equal portion of lives? The manufacturer of the interior has the same right to the protection of the whole Union against the regulations of foreign countries, as the merchant upon the coast, or the mariner upon the ocean. The manufacturer of the North has the same right to the protection of the nation against the competition of foreign rivals, armed with foreign laws, as the planter of the South, or the settler in the West, has to the same protection against the robberies and butcheries of Indian savages, instigated by the secret impulses and profuse subsidies of the same foreign rivals. The manufacturer asks no more. The principle in the message now under examination is in terms equally applicable to all branches of the national industry. The protection afforded by existing laws to the Southern planter and the Western settler, to the merchant and navigator, should not exceed what may be necessary to counteract foreign hostility, and secure the national independence and safety. If the separate and exclusive interest of the manufacturer or of the Northern farmer were consulted, the army might be disbanded; the wooden walls of the navy might be laid up in ordinary, and its gallant seamen be discharged from the service. Six or seven annual millions more of expenditure might be retrenched, and the Government be reduced to a machine of still more edifying simplicity; so simple, indeed, as to be left without occupation wor-

thy of the cost of its own maintenance, and bound, in the pursuit of its own policy, to dissolve itself as a useless and cumbersome burden to the nation.

But the practical question of the message is not what degree of protection ought to be extended to any branch of the national industry, but what degree of protection, by the existing laws, it ought not to exceed. And the principle is thus laid down by way of introduction, to a recommendation that the protection actually granted by the existing laws to a particular interest, namely, that of the manufactures, should be gradually diminished, if, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to that interest is greater than is indispensably requisite for these objects, that is, for counteracting the regulations of foreign nations, and for securing a supply of those articles of manufacture essential to the national independence and safety in time of war.

To this inquiry and investigation the subscribers would interpose no objection whatever, provided that the same investigation shall be instituted to ascertain whether the protection granted by existing laws to other great though partial interests, namely, to the Southern planter and Western settler, to the merchant and the mariner, do not exceed what may be indispensably requisite for counteracting the regulations of foreign nations, and for securing the independence and safety of the nation. The investigation, to be just and impartial, must extend equally to all the interests protected by the expenditure of the national revenues; and, if the standard of inquiry shall be the smallest possible amount of protection indispensable to the manufacturers, let the same standard, the smallest possible amount indispensable to the planter and the settler, the merchant and mariner, be applied to the estimates of expenditure to be hereafter bestowed upon them.

But the subscribers cannot forbear to call the attention of the House, and of the nation, to the formal abandonment, in the message, of the very principle of just and lawful protection to the manufacturing interest laid down by itself. Scarcely has the circle of limitation been drawn round the unquestionable duty of the Government to protect the manufactures by its laws, when, by a most remarkable instance of self-contradiction, the message abandons its own principle, and substitutes another and a totally different one in its stead. "Those (it now says) who take an enlarged view of the condition of our country, must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war." The subscribers will not scrutinize, with logical acuteness, the further limitations, even of this measure, which may be detected in the subsequent qualifications of this diminished standard; nor inquire how the indefiniteness of a "reasonable scale and of a liberal support" can be applied to a list of articles indispensable to the safety of the nation. Articles indispensable to the safety of a nation would seem to admit of little latitude in the formation of their catalogue; nor can much commendation be due to the liberality which provides for its own indispensable necessities; but it is to the principle itself that the subscribers deem it their duty to take exception, as utterly inconsistent with that which had been just before laid down; as abandoning the future interests of domestic industry to the mercy of foreign legislation, leagued with foreign competition; and, finally, as consigning all the great manufacturing establishments of the country to speedy and inevitable destruction.

In this last proposition, as in the recommendation to give away all the public lands, the House and the country cannot fail to discern a projected revolution of Government. When the very first act of Congress, after the organization of the new Government, that appears upon the statute book of the United States, declared the necessity that duties should be laid on goods, wares, and merchandises imported, the purposes to be accomplished by that act were declared to be the support of Government, the discharge of the debts of the United States, and the encouragement and protection of manufactures. Thus, from the very foundation of this Government, from the day when George Washington was first inaugurated as President of the United States, the protection, ay, and the encouragement, of manufactures has formed one of the fundamental objects of the national policy. But here, in the compass of one short page of this message, we are told, first, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. This, we are told, is, in justice, due in effecting the adjustment of the future revenue to the interest of the different States, and even the preservation of the Union itself. And, in the next breath, we are told that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. The principle of affording encouragement to manufactures, proclaimed in the first act of the first Congress, is discarded. The protection to be gradually diminished is the protection of existing laws. The revenue is to be reduced, not merely for adaptation to the necessities of the public expenditures, but with the express object and design of discouragement to manufactures, by diminishing the protection which they enjoy; nor is this discouragement to cease, till all the protection which now shields them from the deadly hostility of foreign competitors, dictating the death-warrants of foreign legislation, shall be withdrawn, and the niggardly boon of protection shall be denied to all but articles of indispensable necessity to safety in time of war.

It is, therefore, a revolution in the Government which the message now proposes. It is the adoption for the future of a system of policy directly opposite to that with which the administration of Washington laid the foundations of the social existence of this great community—our National and Federal Union. Those foundations were, that all the great interests of the nation were alike entitled to defence and protection by the national arm, and from the national purse. And to the interest of manufactures was the first pledge of encouragement and protection self-imposed by the good faith of the nation. That pledge is now, by the recommendations of this message, to be withdrawn. The Government is to be reduced to a simple machine, and its operations of superintending beneficence are to be unfelt. The great body of the manufacturers, including the numerous classes of mechanics, handicraftsmen, and artificers, and with them great multitudes of cultivators of the soil, though not that best part of the population, the independent freeholders, all the hard working men, in short, the laboring part of the exclusively free population of the country, are to be turned out of the paternal mansion, cast off as worthless children of the common parent, and surrendered to the mercy of foreign laws, enacted for the express purpose of feeding foreign mouths with the bread denied by our simplified machine of Government to them.

Under that system of policy, thus now proposed to be abandoned and proscribed, the nation has risen from a depth of weakness, imbecility, and distress, to an eminence of prosperity unexampled in the annals of the world. It has flourished in despite of all foreign competition, and all foreign legislation, whether in peace or at war. It has flourished by the undeviating pursuit of that very policy which we are now urged to abandon and to proscribe. It was by counter-legislation to the regulations of foreign nations, that the first operations of the Government of the United States were felt by their people: felt, in the acti-

vity given to their commerce—felt, in the encouragement and protection extended to their manufactures—felt, in the fulfilment of the public engagements to the creditors of the nation—felt, in the gradual, though the subscribers grieve to say yet imperfect, discharge of the debt of justice and of gratitude due to the warriors of the revolution—felt, in the rapid increase of our population, in the constantly and profitably occupied industry of the people, in the consideration and respect of foreign nations for our character, in the comfort, and wellbeing, and happiness, of the community—felt, in every nerve and sinew, in every vein and artery of the body politic. That for this Government the proposition should now be earnestly pressed upon Congress to substitute another, the supreme excellence of which shall consist in its being unfelt, when we look to the source from which the exhortation proceeds, cannot but move our special wonder. The subscribers can have no partiality for a Government, founded upon the consideration that the benefit of its operations shall be unfelt.

From the great manufacturing interest of this country, then, and from all the interests, whether agricultural or commercial, indissolubly linked with it, the protection of the national laws now existing is, so far as they are or may be affected by foreign regulations, by the recommendations of the message, to be gradually withdrawn: and protection is hereafter to be limited to one specific class of articles of manufacture, under the denomination of articles indispensable to the safety of the nation in time of war. The subscribers ask, what is the reason for this distinction; and what are the articles thus to be distinguished with pre-eminent and permanent favor? Why is protection, why is this specific mode of protection, by high and prohibitory duties upon the article when imported from abroad, to be extended to articles indispensable to the national safety in time of war, when it is at the same time to be denied to all others? The protection of high duties is founded upon the principle of shielding the domestic manufacturer from the ruinous competition of foreigners, producers of the same article. This principle is founded, not upon the nature or uses of the article, but upon the right of the citizen to protection, pledged to him by the social compact, the correlative obligation of his country to him, for his duty and obligation of allegiance to her. Why are the planter of the South, and the new settler of the West, entitled to the protection of the nation, at the cost of many annual millions, to maintain an army to make that protection effective? Why, but because that planter and that settler are bound in allegiance to that country whose protection they are thereby entitled to claim? Why are the merchant, the mariner, the fisherman, entitled to protection? and why is a navy maintained at the cost of annual millions to make that protection effective? Because the merchant, the mariner, the fisherman, owe their allegiance to the country which protects them. This protection is due to them in peace as well as in war: else why do you maintain an army and a navy in time of peace? The manufacturer is entitled to the same protection from his country as the planter, as the new settler, as the merchant, as the mariner, as the fisherman, and for the same reason, because he owes to that country his allegiance. He bears his portion of the burden of expenditures, sustained by the nation to maintain an army and a navy for the protection of interests which are not his. He has a right to claim the same protection to his own. It is the right of the citizen, and not the necessities of the community, which constitutes the fundamental principle, upon which the obligation to protect the interest of the manufacturer, or of any other member of society, is incumbent upon the nation. The subscribers believe, therefore, that the distinction between articles of manufacture indispensable to the safety of the nation in time of war, and other articles, cannot in any manner affect the right of the manufacturer to protection, or the duty of the Government to extend it. It is the interest of the citizen, and not the wants of the country, which circumscribes the legitimate objects of protection. In the formation of the social compact, undoubtedly the safety and independence of the whole are the ultimate object of every engagement undertaken by the community to protect the interests of every one of its parts; but that safety and independence are to be secured as much by the protection of interests, contributing to her wellbeing in time of peace, as by that of securing to herself a supply of the instruments of death, necessary for a battle or a siege.

But were the distinction assumed in the message, of discriminating between articles of manufacture, indispensable to the safety of the nation in time of war, and other articles, with reference to the respective rights of each of the classes to temporary or permanent protection, just, why is this specific mode of protection, high duties upon the imported article, recommended? If the object to be attained is to secure an abundant supply of the articles, the policy of the Government would seem to be rather to admit them free of impost, and even to encourage the importation of them by bounties, than to burden them with onerous duties. The articles of most indispensable necessity in time of war, are articles of little or no use in time of peace. The policy of erecting and supporting manufactures of them in time of peace, that is, at a time when, from their very nature and from the slender demand for them, they must be obtainable from abroad upon the cheapest terms, and when you have little or no demand or use for the articles which you thus deliberately make costly to you beyond all necessity or reason, seems to be exceedingly questionable. You saddle with burdensome taxation articles which you might obtain almost gratuitously from abroad; you tax yourselves to pay enormously dear for articles which you compel yourselves to buy, which you do not want, and for which you have no use, because the time may come when you will want them; and then you choose to have them made by your own citizen, and by no foreigner, when the very tax that you impose, would supply you from abroad with stores of the article sufficient for a ten years' war, at less cost than you now lavish upon your manufacturer to furnish you the same supply. Again, it may very reasonably be questioned whether, in the present or in any possible future condition of this country, and of the rest of the world, any article of domestic manufacture whatever can be essential to the independence or safety of the nation in the sense that it must necessarily be manufactured within the country, and not imported from abroad. Assume the broad principle that the independence and safety of a nation are highly promoted and rendered effective by her possessing within herself all the resources essential to the subsistence, the comfort, and the enjoyments of her people in war and in peace, and the subscribers give to it their hearty assent; and from this principle they derive the firm belief that sound policy requires of the nation the constant, perpetual protection of the manufacturing interest generally, as the duties of the social compact impose the same protection upon her, as a duty to the citizen manufacturer. Narrow down your protective system to a mere list of contraband of war, and you not only load the nation with burdens, utterly useless to herself when she bears them, inadequate to your purpose in the very contingency for which you would provide, but you put to the ban a vast multitude of the free laborers of the country, and involve yourselves in the inextricable absurdity of holding the nation bound to foster and encourage the arts of war, and to prostrate and sacrifice the arts of peace.

The subscribers are then convinced that the principle broadly laid down in the message, "that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our

safety in time of war," is erroneous and unsound. They remark that this is the first time that such a policy has ever been suggested by any Chief of the Executive Government to Congress, from the establishment of the constitution to this day, and that it is proposed avowedly to subvert the system of policy which has hitherto invariably prevailed. Alarmed at the violation of rights, and at the desolation of property which it portends, in a special manner, to the great mass of their constituents, they seek in the message itself the arguments by which this novel plan of Government is attempted to be sustained. They are aware that it flows, very naturally and directly, from the fundamental maxim that the wealthy landholders, cultivators of the soil, are the best part of the population; that it is entirely congenial to the determined purpose of abolishing the National Bank; that it tallies exactly with the proposal to give away all the public lands, to multiply the best part of the population; that it is in perfect coincidence with the proposal to abandon gradually all appropriations for internal improvements, to sell all the stocks held by the Government in the funds of incorporated companies, and then to reduce the duties of impost to a simple, economical revenue standard.

"All are but parts of one stupendous whole."

And, in carrying out this system to its inevitable consequences, it is apparent that, when all this shall have been done, the same spirit of simplicity and reform will command that the army should be disbanded, because its only use is to protect one portion of the community at the expense of all the rest; that the navy should be gradually diminished, and ultimately abolished, because the degree of protection which it extends to the commerce and navigation of the country may exceed what shall be indispensably necessary to counteract the regulations of foreign Powers; and, finally, that the Government of the Union, simplified into a machine of total uselessness and inability to protect any great interest of the nation, should dissolve itself into its original elements, and vanish—the baseless fabric of a vision.

The subscribers believe that, to secure to the nation during war a supply of all the articles necessary to the subsistence, comfort, and wellbeing of the people, is one of the objects which require and command the protection of manufactures generally, as one of the great duties of the nation itself; but to limit the policy of protection to the articles of domestic manufacture indispensable to our safety in time of war, is tantamount to the denial of all protection to every article, excepting those the want of which, and the uses of which, are applicable only to the state of war. Food and raiment are articles indispensable to the safety of a nation in war as well as in peace. If it were meant that all articles of domestic manufacture, serving for food or raiment, should be entitled to the permanent and ultimate protection of the National Government, the limitation itself presented by the message would be nugatory. With that understanding all the manufactures of woollen and of cotton would have an equal claim to permanent protection with those of iron, lead, or copper. The necessities of the nation in time of war furnish an unanswerable argument for the protection of its manufactures—of all its manufactures in time of peace. This is the sound principle. The attempt to draw a line of distinction between articles indispensable to our safety in time of war, and all other articles, with a view to confer the exclusive privilege of permanent protection upon the former, and to withdraw all protection from the latter, must be utterly deceptive, and, if carried out into practice, could terminate only in gross injustice.

In the report of the Committee of Ways and Means, which accompanied their bill to reduce and otherwise alter the duties on imports, it is said that they have endeavored to arrange the duties with reference to the principle of raising twelve millions and a half of revenue upon from sixty-five to seventy millions of dutiable commodities, at rates of from ten to twenty per cent., varying from them chiefly in those instances where national independence in time of war seemed to demand some sacrifice in peace, (as in the case of iron.) Thus iron is the only article specified by the Committee of Ways and Means as entitled to extraordinary and permanent protection, by heavy duties of impost, to defend the article of domestic production from the competition of importation from abroad; and the exemplification in their bill is, to shield the article of iron by duties five or six times heavier than the fragment of impost to which they abandon the articles of wool, woollens, and cotton fabrics. But this favoritism, extended to the article of iron, is founded upon a misapplication of the principle upon which it professes to rely. The only reason which makes it an object of importance to the nation, to possess within itself a supply of articles of exclusive use and necessity in times and for purposes of war, is because the supply of those articles from abroad, in time of war, may be cut off, or greatly obstructed by the power of the enemy. Of all other articles, the supply may be as abundant from abroad in time of war, by the conveyance of neutral flags, as in time of peace. The articles usually denominated contraband of war, may be intercepted by the enemy, and cannot be protected by the neutral flag. The list of these articles of contraband is usually regulated by treaties. The number of them, as recognised by the customary law of nations, independent of treaty stipulations, is very unsettled. Great Britain being almost always a belligerent nation, and possessed of preponderating power upon the ocean, has, in latter times, constantly struggled to enlarge the list by including in it not merely the fabricated instruments of warlike destruction, such as cannon, muskets, swords, pikes, bombs, grenades, and the like, but provisions, and the materials especially for shipbuilding. All the other maritime nations, on their part, endeavor to contract the list of contraband, and confine it to articles actually wrought, and manufactured, and used only and exclusively for war. We have had treaties both with France and Great Britain, each containing a list of articles to be understood between the parties as contraband of war. The treaties with France contain the most contracted, and the treaty of 19th November, 1794, with Great Britain, the largest list of contraband that has ever been claimed by modern belligerent nations; and it so happens that, in both these treaties, unwrought iron is expressly excluded from the list of contraband. No nation has ever pretended that it was, or should be, included in that list. The supply of it from abroad cannot, therefore, be intercepted by the enemy in time of war, and there is no reason whatever for protecting, by high duties, the domestic production of it against the foreign competitor, other than the reason common to all other articles or productions of domestic industry. It stands upon the same footing with all the rest, and has no claim whatever to superior protection, from its being merely the principal material from which the instruments of death are composed. It is, therefore, extreme injustice to all other articles of domestic growth or manufacture, to withdraw from them their just share of protection to heap it upon the solitary article of iron.

The subscribers, therefore, believe that the principle itself advanced in the message, and illustrated by the recommendation gradually to withdraw from the manufactures of the country all the protection which they enjoy by the existing laws of the United States, with the single exception of the articles indispensably necessary for the national independence and safety in time of war, is incorrect, unjust, and unconstitutional. They believe that protection, permanent protection, to the interest of domestic industry, including agriculture, manufactures, and

the mechanic arts, is a right secured to the citizens, whose property and subsistence depend upon that protection, by the constitution itself, as well as by the laws; that the withdrawal from them of that protection would be the denial to them of a constitutional right, and equivalent to a sentence of banishment upon them. In saying this, the subscribers do not deny the right of the Government to modify this protection by an adjustment of the revenue to the necessary public expenditures. They object neither to the reduction of the revenue, nor to the reduction of duties of imposts; both these operations may be effected without impairing the protection enjoyed by domestic industry, and they are precisely the operations which it is, at this time, the duty of the Government of the United States to perform.

The recommendation of the message gradually to withdraw from the manufactures the protection which they enjoy by existing laws, appears to the subscribers the more exceptionable, as it obviously countenances the principles asserted, as well as the attitude assumed, of hostility to the manufacturing interest, and of defiance to the Government of the Union, under the shield of State sovereignty, by popular commotion in one of the members of the Union. Before the message was delivered, a convention, assuming to represent the people of South Carolina, and to exercise, in their name, an absolute, unlimited, and, therefore, despotic power of sovereignty, had issued an ordinance, declaring and ordaining that all the several acts and parts of acts of the Congress of the United States, for imposing duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, were null, void, and no law, nor binding upon the State of South Carolina, its officers, or citizens.

And the same convention, by the same ordinance, had ordained that all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which should be thereafter had in affirmance thereof, were, and should be, held utterly null and void.

The same convention had further ordained that it should not be lawful for any of the constituted authorities, whether of the State of South Carolina or of the United States, to enforce the payment of duties imposed by the said acts of Congress within the limits of that State; that it should be the duty of the Legislature to adopt such measures, and pass such acts as might be necessary to prevent the enforcement, and arrest the operation of the said acts, and parts of acts, of the Congress of the United States, within the limits of that State, from and after the 1st day of February then next.

The same convention had further ordained that all the officers of the State, civil or military, except members of the Legislature, should take an oath to obey, execute, and enforce the said ordinance, and such act or acts of the Legislature as might be passed in pursuance thereof; that the offices of every individual who should omit or neglect to take this oath, should be, thereby, *ipso facto*, vacated; and that no juror should be empannelled in any of the courts of the State, in any cause in which should be in question the ordinance, or any act of the Legislature passed in pursuance thereof, unless he should first, in addition to the usual oath, have taken an oath to obey, execute, and enforce the ordinance, and all acts of the Legislature, to carry the same into operation and effect.

And the same convention, speaking as the people of South Carolina, further declared that they would consider any act, on the part of the Federal Government, to enforce the laws thus nullified, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; that they would thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and would forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States might of right do.

This ordinance was issued, bearing date the 24th day of November. Ten days after which, on the 4th of December, the message of the President, after noticing that, in one quarter of the United States, opposition to the revenue laws had risen to a height which threatened to thwart their execution, if not to endanger the integrity of the Union, observes that, whatever obstructions may be thrown in the way of the judicial authorities of the General Government, it was hoped they would be able, peaceably, to overcome them by the prudence of their own officers, and the patriotism of the people; but that, should this reasonable hope be disappointed, it was believed the laws themselves were fully adequate to the suppression of such attempts as might be immediately made; and that, should the exigency arise, rendering the execution of the existing laws impracticable, from any cause whatever, prompt notice of it would be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

The subscribers could not but observe with concern and surprise, that, in a message delivered at a time when the abovementioned ordinance of the South Carolina convention had been ten days issued, and when its contents had been several days fully known in this city, the condition of things, and the opposition to the execution of the laws of the United States in the State of South Carolina, was described in terms so inadequate, as appeared to them, to the real magnitude of the crisis in the affairs of the Union. A document purporting to be the act of the sovereign people of South Carolina—an act of sovereignty so transcendent as to speak in the language of command to the Legislature of the State, as to prescribe oaths to be taken by the existing officers, civil and military, of the State, on the penalty of forfeiting their offices—an act of an authority spurning, as beneath it, the ties of morality, and assuming to annul existing promises, contracts, and obligations—an act, first depriving the civil tribunals, both of the State and of the United States, of the power of performing their judicial functions, and then declaring that the first effort of the Federal Government to enforce the laws of the Union, otherwise than through the judicial tribunals, should be the signal to the State of South Carolina for dissolving her connexion with this Union, and forming a separate Government—this act, accompanied with addresses to the people of the State, and of the other twenty-three States, declaring that it was the fixed and unalterable determination of the people of South Carolina never more to submit to a protecting tariff, must have been in the possession of the President at the time when his message was communicated to the two Houses of Congress. Only six days after the delivery of this annual message, the proclamation emanating from the same source, was published to the world, founded, as appears on its face, upon the ordinance alone, which had thus been in the President's possession before the message was sent to Congress. It would seem that the recommendations of the message were so nearly identical with the terms condescendingly proposed as a concession by the authors of the ordinance for the future revenue system of the Union, which South Carolina would graciously consent to prescribe, that an expectation was entertained that, on the receipt of the message in South Carolina, the nullifying ordinance would immediately be abrogated. And, indeed, upon an attentive comparison of the recommendations of the Chief Magistrate with the autocratic concessions of the South Carolina nullifying convention, there will be found between them a shade of difference so nearly imperceptible, that this expectation was not destitute of foundation.

To the subscribers this affords but a source of deeper mortification, upon perceiving that formal recommendation in the message of a gradual, and, ultimately, total withdrawal of all legislative protection from all the manufactures of the country, excepting only those articles indispensably necessary to the safety and independence of the nation in time of war; an exception so strangely expounded in the report and bill of the Committee of Ways and Means, to mean unwrought iron.

The proclamation did, indeed, take a direct and formal issue with the nullifying convention, upon both the articles of fundamental law, by virtue of which that assemblage asserted their right to exercise sovereign, despotic authority in the name of the people of South Carolina. The proclamation denied the right of the people of South Carolina to nullify the laws of the United States. It denied the right of the State of South Carolina to secede from that Union to which the people and State of South Carolina, by the pledge of their lives, their fortunes, and their sacred honor, in the declaration of independence, and by their own solemn accession to the constitution of the United States, had bound themselves and their good faith, in the face of God and man. To both these principles of the proclamation, the subscribers assent and adhere; and the clear and indisputable consequence from them is, that the South Carolina convention was an unlawful and unconstitutional assembly, and their ordinance an unlawful and unconstitutional act—null and void in itself, and the enforcement of which, by physical power, would be levying war against the United States.

The duties incumbent upon the President of the United States in this emergency, and the deep responsibility by which he is bound to the performance of them, are fully and unequivocally set forth in the proclamation. The sense of those duties was profoundly impressed upon the mind of its author. The subscribers deem it altogether unnecessary, and irrelevant to the present state of this country, to inquire by whom or when, or for what purpose, the absurd doctrines of nullification and secession were first gotten up and promulgated. They well know that those doctrines never can be carried out in practice, but by a dissolution of the Union. The consummation of either of them must, in itself, be a dissolution of the Union. If any organized power, under any circumstances whatever, in any one State, can nullify the laws of Congress, then has the Union no legislative, and consequently no judicial or executive power. The Government is *ipso facto* dissolved, and the Union must crumble to atoms with it. If any one State can at its pleasure secede from the Union, every other State must possess the same power; and the constitution of the United States, instead of being a compact ordained and established by the people, to secure to them and their posterity the blessings of liberty, is but a partnership of corporate bodies without posterity, without soul, without faith, and ready to trample under foot, as is done by the ordinance of the South Carolina convention, its own promises, contracts, and obligations, as well as those of others, or the laws of the land. Resistance against certain laws of the United States, even under the authority of single State Governments, has more than once been attempted. The doctrines of nullification and secession have more than once been asserted or countenanced by resolutions of particular State Legislatures; but this is the first example since the establishment of the constitution, when a formal organization of the power of the people of a State has been accomplished, not only for the avowed purpose of resisting the laws of Congress, but of annihilating the whole system of revenue laws, of dictating to the whole Union a new fiscal code, and of interdicting with a sentence of outlawry the protection secured by the constitution and the laws to at least one-third part of the people.

The subscribers cannot but lament that the President of the United States, with this ordinance in his hand, with a full knowledge of its whole import, and with a thorough conviction of the duties which it devolved upon him, in defence of the constitution and laws of the Union, should, by the whole tenor of his annual message, and especially by the recommendation gradually to withdraw from the manufacturing establishments the protection which they enjoy by the existing laws, have given so much countenance and encouragement to the most unjust claims and most groundless pretensions of the South Carolina convention.

There is an aspect in which this controversy must be considered, and in which the subscribers believe it was peculiarly incumbent on the President, as the Chief Magistrate of the whole people, to withhold all countenance or shadow of support from those pretensions.

The foundation of the complaints alleged by the South Carolina convention as the justifying cause of their extraordinary proceedings, is a collision of sectional interests between the slaveholding and the exclusively free portions of the Union. The allegation is, that the protection extended to domestic industry, by the imposition of duties upon the productions of the like industry imported from abroad, necessarily operates to produce inequality in the burden of taxation upon the free and upon the slaveholding portions of the people, to the disadvantage and oppression of the latter: that whatever of taxation is levied by impost upon manufactures and free labor, is more than repaid by this protection; that it becomes thereby their interest to increase the protecting duties instead of reducing them; and that, as the labor of slaves cannot be applied to manufactures, and as the agricultural products of the South derive no benefit from this protection, the ultimate result of the impost system is to make it at once a tax upon the slaveholder of the South, and a bounty to the free laborer of the North.

This statement of the case presents two prominent points of consideration. The foundation of the argument is an irreconcilable opposition of interests between two of the great masses of population constituting the Union.

1. This opposition of interests is geographical, the division line being that between the States where the population is entirely free, and those where the population consists of masters and slaves; the divisions are of North and South.

2. It is an opposition of interests between servile and free labor.

The subscribers believe these positions to be very far from correct; but they deem it not necessary to discuss them here; they are the positions upon which the whole system of the proceedings of South Carolina is founded, and as such they must be considered.

It cannot be denied that in a community spreading over a large extent of territory, and politically founded upon the principles proclaimed in the declaration of independence, but differing so widely in the elements of their social condition, that the inhabitants of one-half the territory are wholly free, and those of the other half divided into masters and slaves, deep, if not irreconcilable collisions of interest must abound. The question whether such a community can exist under one common Government, is a subject of profound, philosophical speculation in theory. Whether it can continue long to exist, is a question to be solved only by the experiment now making by the people of this Union, under that national compact, the constitution of the United States.

At the formation of the constitution itself, these collisions of interest presented themselves at the threshold. No sooner was the representation of the people in the popular branch of the Legislature to be adjusted, than it arose. It is one of the first principles of republican freedom, that the representation of the people should be proportioned to their numbers. It is another, that the taxa-

tion of the people should be proportioned to their numbers and their property. But here was a community, one-half of whom held it for a principle that all popular representation should be proportioned to the numbers of the people, while the other half held a third part of their own numbers as the property of the other two-thirds. They claimed, therefore, that, in the popular branch of the Legislature, they should be privileged with a representation, not only of their numbers, but of their property—of their living machinery.

Here was a great, and, it would seem, an irreconcilable collision of interests between the aggregate parties to the compact under deliberation. How was it adjusted? By concession from the Northern and wholly free States. They consented that, while in this hall, in the popular branch of the Legislature, they themselves should have a representation proportioned only to their numbers, the slaveholders of the South should, in addition to their proportional numbers, have a representation here for three-fifths of their living property—of their machinery. What was the equivalent for this concession? A provision that direct taxation should be levied under this constitution, in the same compound proportion of numbers in the free, and of numbers and property in the slaveholding States.

The basis of this compromise between great conflicting interests was, that the proportion of representation in the popular branch of the Legislature, and the proportional burden of direct taxation, should be greater in the Southern than in the Northern, or, in other words, greater in the slaveholding than in the free States. Such was the compromise in principle; how has it operated in practice?

The representation of the slave population in this House has, from the establishment of the constitution of the United States, amounted to rather more than one-tenth of the whole number. In the present Congress, it is equivalent to twenty-two votes; in the next Congress, it will amount to twenty-five. This is a combined and concentrated power, always operating to the support and exclusive favor of the slaveholding interest, and against that northern free interest which is protected by the duties of impost. This privilege of representation for property has been always enjoyed by the slaveholding States, from the establishment of the constitution to this day; and they will continue to enjoy it as long as the constitution shall remain in force. But it was not enjoyed by them under the confederation, nor can they ever enjoy it under any confederation of States. But while their enjoyment of the privilege under the constitution is constant and unremitting, the correlative and equivalent privilege of lighter direct taxation has been effective to the free States only twice, and for very short periods, in the forty-five years that the constitution has existed. The history of the Union has afforded a continual proof that this representation of property, which they enjoy as well in the election of President and Vice President of the United States as upon the floor of the House of Representatives, has secured to the slaveholding States the entire control of the national policy, and, almost without exception, the possession of the highest executive office of the Union. Always united in the purpose of regulating the affairs of the whole Union by the standard of the slaveholding interest, their disproportionate numbers in the electoral colleges have enabled them, in ten out of twelve quadrennial elections, to confer the chief magistracy upon one of their own citizens. Their suffrages at every election, without exception, have been almost exclusively confined to a candidate of their own caste. Availing themselves of the divisions which, from the nature of man, always prevail in communities entirely free, they have sought and found auxiliaries in the other quarter of the Union, by associating the passions of parties and the ambition of individuals with their own purposes, to establish and maintain throughout the confederated nation the slaveholding policy. The office of Vice President, a station of high dignity, but of little other than contingent power, had been usually, by their indulgence, conceded to a citizen of the other section; but even this political courtesy was superseded at the election before the last, and both the offices of President and Vice President of the United States were, by the preponderancy of slaveholding votes, bestowed upon citizens of two adjoining, and both slaveholding States. At this moment, the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the United States, are all citizens of that favored portion of the united republic. The last of these offices being, under the constitution, held by the tenure of good behavior, has been honored and dignified by the occupation of the present incumbent upwards of thirty years. An overruling sense of the high responsibilities under which it is held, has effectually guarded him from permitting the sectional slaveholding spirit to ascend the tribunal of justice; and it is not difficult to discern, in this inflexible impartiality, the source of the obloquy which that same spirit has not been inactive in attempting to excite against the Supreme Court of the United States itself, and of the insuperable aversion of the votaries of nullification to encounter or abide by the decision of that tribunal, the true and legitimate umpire of constitutional, controverted law.

The disproportionate numbers of the slaveholding representation in the House of Representatives have secured to it the absolute control of the general policy of the Government, and especially over the fiscal system, the revenues and expenditures of the nation. At the first establishment of the Government, it was the slaveholding interest which dictated the principle that the public revenues should be raised, not by direct taxes, but by impost. Had direct taxation been resorted to, the very letter of the constitution prescribed that a heavier burden of it should fall upon them than upon the States where no slaves existed. The selection of impost, as the exclusive mode of taxation for raising revenue, was made and dictated by them, and for their special benefit. But they were then willing that, in raising the revenue, some protection should be extended to domestic industry. It had not occurred to them yet, that, by their disproportionate numbers in the popular branch of the Legislature, they could exclude all the free labor of the country entirely from the protection of the law.

Under that protection, the industry of freedom has thriven and flourished. Often checked and retarded by that preponderating system of policy which the slaveholding interest, by its disproportionate representation in the General Government, was always enabled to prescribe, and to which the labor of the free was compelled to submit, a right to some protection, under the compact of constitutional union, had never been denied to it. Sparingly, scantily, and grudgingly as it was dispensed, still the right to protection was conceded; and, in the raising of the revenue, actual protection was, to some degree, yielded. Free labor received its reward; but its prosperity never exceeded that of the slaveholder, nor was the protection which it enjoyed ever equal or comparable to that secured to the slaveholding interest, both by the constitution and the laws.

In this condition of the common country, with the slaveholding interest in possession of all the highest offices of dignity and power, legislative, executive, and judicial, a discovery is suddenly made in South Carolina—the only State of the Union in which the slave population largely outnumbers the free, and where, consequently, six-tenths of the people are the property of the other four-tenths—there it is that the discovery bursts upon the nation, that duties of impost, levied for the protection of free labor, are unconstitutional; that domestic industry has no right

to the protection of existing laws; and that all the revenue laws are palpable violations of the constitution of the United States. Upon the heel of this discovery comes immediately the fixed and irrevocable determination that free labor shall no longer and never more enjoy this protection of the law. And how is this determination carried into effect? A convention of the people—that is to say, of rather more than one-half the four-tenths of the owners of the rest—a convention representing, at the utmost, one hundred and fifty thousand souls, and, of course, less in numbers than three-fourths of the single city of New York, is assembled—itself unconstitutionally constituted, and assembled in defiance of the fundamental laws both of the Union and of the State. It assumes, in the broad face of day, the exercise of absolute, despotic, irresistible, uncontrollable power; nullifies the whole code of revenue laws of the United States; dissolves contracts, promises, obligations, sanctioned by solemn appeals to God; prescribes oaths as abhorrent to the pure intelligence of the Being invoked to attest them, as to the souls of those upon whom they are imposed; declares the people of South Carolina absolved from all their ties of allegiance and fidelity to their country; annihilates the judicial tribunals of the Union within the State; and then declares that, if an attempt is made to execute the laws of the Union, otherwise than through those annihilated tribunals, South Carolina will secede from that Union to which her fathers pledged their lives, their fortunes, and their sacred honor; from that Union she will secede, and constitute herself a supreme, sovereign, feudal dominion of despotic, irresistible, and uncontrollable power. Since the attempt of the Titans to scale the throne of Heaven, so bold an enterprise was never conceived. Since the project of the builders on the plain of Shinar to make themselves a name, lest they should be scattered abroad upon the whole earth, so gallant an exploit was never undertaken. And it was this moment, when rebellion was stalking forth under the worse than Gorgon shield of State sovereignty, that the President of the United States chose, for recommending to the insulted, vilified, and contemned legislative authority of the Union, tamely to yield, in substance, to this overbearing pretension, and gradually to withdraw from the manufacturing establishments, with some vague and indefinite exceptions, the whole protection of the existing laws.

It has been seen that, by the constitution of the United States, the right of representation in the popular branch of the Legislature, and in the Colleges of Electors to the offices of President and Vice President of the United States, is unequally divided between the Northern and Southern, or, in other words, the free and the slaveholding States; that while the free States are represented only according to their numbers, the slaveholders are represented also for their property; and that the equivalent for this privilege is, that they shall bear in like manner a heavier burden of all direct taxation. That, by the ascendancy which their excess of representation gives them in the enactment of the laws, they have invariably, in times of peace, excluded all direct taxation, and thereby enjoyed their excess of representation, without any equivalent whatever. This is, in substance, an evasion of the bilateral provision in the constitution. It gives it an operation entirely one-sided. It is a privilege of the Southern and slaveholding sections of the Union, without any equivalent to the Northern and Northwestern freemen whatever.

It is not a little extraordinary that this new pretension of South Carolina, the State which, above all others, enjoys this unrequited privilege of excessive representation, released from all payment of the direct taxes, of which her proportion would be nearly double that of any non-slaveholding State, should proceed from that very complaint that she bears an unequal proportion of duties of imposts, which, by the constitution of the United States, are required to be uniform throughout the Union. Vermont, with a free population of 280,000 souls, has five representatives in the popular House of Congress, and seven electors for President and Vice President. South Carolina, with a free population of less than 260,000 souls, sends nine members to the House of Representatives, and honors the Governor of Virginia with eleven votes for the office of President of the United States. If the rule of representation were the same for South Carolina and for Vermont, they would have the same number of representatives in the House, and the same number of electors for the choice of President and Vice President. She has nearly double the number of both. Were a direct tax now to be levied, to which South Carolina herself could not object as unconstitutional, her proportion of it must be just as nearly double that of Vermont, as is the number of her members in the House of Representatives. If, by the protection to her farmers, and mechanics, and manufacturers, against the competition of foreign labor, armed with foreign legislations, the men of the Green mountains find brisker markets for the productions of their toil; if their mountains themselves are clad in a fresher and more perennial verdure; if the very face of nature upon her soil gladdens with the hue of hope, and the smile of joy, at the beneficence of their government, acting in auxiliary subserviency to the beneficence of Heaven, while the slaveholder of South Carolina cannot derive so much benefit from the protection of man, because his industry is not his own, and all his profits must be earned by the sweat of another's brow, is this a reason to justify him for tearing to pieces the charter of national freedom by which he is bound to the freemen of Vermont? By the letter of that fundamental compact, his power in the enactment of the laws, to be binding upon both, is nearly twice that of the mountaineer. By the letter of that compact, too, were the revenues of the whole community to be levied by direct taxation, his share of contribution must be nearly doubled. With what pretence of reason, therefore, can he complain of a slight inequality bearing upon him; not by the burden of the impost, which is every where the same, but by the primeval curse of Omnipotence upon slavery, denying to him the remote and contingent advantage which the free laborer of Vermont derives from the protection of the laws?

The subscribers believe, therefore, that the ground assumed by the South Carolina convention for usurping the sovereign and limitless power of the people of that State to dictate the laws of the Union, and prostrate the legislative, executive, and judicial authority of the United States, is as destitute of foundation as the forms and substance of their proceedings are arrogant, overbearing, tyrannical, and oppressive; they believe that one particle of compromise with that usurped power, or of concession to its pretensions, would be a heavy calamity to the people of the whole Union, and to none more than to the people of South Carolina themselves. That such concession by Congress would be a dereliction of the highest duties to their country, and directly lead to the final and irretrievable dissolution of the Union.

That the President of the United States has a deep and just sense of the solemn duties devolving upon him in this great emergency, the subscribers have seen with great and most sincere satisfaction, by his proclamation, and by his message to Congress communicating that document, and others issued from the Executive Department, together with those emanating from the disorganizing faction in South Carolina. It only remains for him to suit the action to the word. Bound by his official oath to take care that the laws shall be faithfully executed, those laws have armed him with ample power to discharge that duty so long as the execution of the laws shall meet with no re-

sistance by force. Even that resistance, also, he has not been left without means, lawful means, to overpower and subdue. If other means be necessary or expedient, it is the duty of the Legislature to invest him with them. But with the usurpations of the South Carolina convention there can be no possible compromise. They must conquer or they must fall.

The subscribers are the more deeply impressed with the conviction that no compromise can be authorized or permitted with the insurrectionary spirit of the documents from South Carolina, because they consider them utterly incompatible with the principles of republican Government, and because they believe, with equal confidence, that, if met with open front and unyielding energy, there is nothing in this array of rebellion in the slightest degree dangerous, they will not say to the existence, but even to the peace and tranquillity of the Union. For a conflict of physical force, which may God, in his mercy, forbid; but should it unhappily ensue, the parties to it are one hundred and fifty thousand, at the utmost, strong on one side, and ten millions on the other. But the ordinance of nullification itself, and all the other State papers of this new sovereignty in embryo, professedly disclaim all purpose or intention of resorting to physical force, unless in self-defence. If, in the spirit of county court litigation, they can, by quibbles and quillets of the law, entangle the justice of the Union in a net of subtleties, by capiases, replevins, and withernams; if by imposing unhallowed and detested oaths upon their own citizens, in violation of their allegiance and obligations to their country; if by enjoining upon them, under heavy penalties, fraud, perjury, the breach of their own promises, contracts, and obligations, and the forfeiture of all their civic duties as American freemen; if by all these ingenious and peaceable devices the collection of the revenues of the United States within the State of South Carolina can be practically and permanently frustrated, the purpose of nullification is accomplished; she asks no more—she draws no sword—she faints at the very sight of blood—she thinks "the sovereign'st thing on earth,

"Is parmacity for an inward bruise,"

and, as a sovereign State, she will administer nothing but parmacity to heal the inward bruises of the constitution. From the principles announced by the President in his proclamation, and in his recent message, and from all the measures of the Government yet adopted in preparation for this exigency, there is no reason to apprehend that force will, in the first instance, be used on the part of the United States. The determination not to yield, is a spirit passive in its nature until aggression provokes it to action. It endures until summoned to resistance in self-defence. In the collision of exasperated passions, it is the temper of aggression that always strikes the first blow. Nullification, in assuming the attitude of self-defence, denies its own nature; it is essentially aggressive, and will assuredly find that it can never accomplish its purpose but by hostile action. So long as it stays its hand, however, the laws of the Union will have their execution. The executive minister of the law performs his duty until met by the resistance of physical force, and until then the thunder of the ordinance is but a *brutum fulmen*. Let the Government of the Union, in all its branches, manifest the pure, unaggressive, but firm and inflexible temper of self-defence, and nullification will vanish like a noxious exhalation before the morning sun.

By the constitution of the United States, it is provided that the United States shall guaranty to every State in this Union a republican form of Government. The subscribers believe, with one of the most eminent and virtuous citizens of South Carolina,* that republican Government in that State ceased with the ordinance of nullification. It ceased, as he says, "in spirit and in truth." It ceased even in form—Government is the enactment and administration of laws, or it is a dominion of arbitrary power—republican Government is a Government of laws. The Government by will is not republican Government. The constitutions of several of the States expressly declare the intent of their institution to be to establish a Government of laws and not of men. In these United States, the people, although the true and legitimate source of all political power, have never exercised the powers of Government themselves. They delegate power by constitutions of Government, all under strict limitations to secure the rights of the citizen from the oppression of arbitrary power. Under these constitutions the legislative, the executive, and the judicial powers are separated from each other, a separation without which some of them expressly declare, and all tacitly recognise, that there can be no enjoyment of liberty. They entrust the power of legislation to two co-ordinate assemblies of men, each operating as a check upon the other, and generally under the further check of a qualified negative in the Chief Executive Magistrate. Such is the constitution of the United States. Such is the constitution of the State of South Carolina. These constitutions are the fundamental laws of the land, protective of the rights of every individual citizen. Under this protection, a convention is assembled, representing a part of the people of South Carolina, but assuming to represent them all—acknowledging no law; affecting the exercise of absolute, irresistible, uncontrollable power, and issues an ordinance annulling the constitution and laws of the United States within the State of South Carolina, commanding the Legislature of the State to enact laws in violation of the constitution of the State; absolving the citizens of the State from the fulfilment of their promises, contracts, and obligations; and imposing upon them oaths, which they cannot take without giving the lie to their consciences in the face of God. The convention which issued this ordinance has an existence authorized by the Legislature, for a whole year. After giving out this memorable ordinance, it adjourns, to meet again at the convocation of its president. Upon the principles which it assumes as the rule of action for itself, it is invested with the whole sovereign power of the people of South Carolina, subject to no limitation but that of time, and that extending to a whole year. During all that period its authority is paramount to that of the Legislature, to the constitution of the State, to the constitution of the United States. It possesses the whole power of the people, legislative, executive, judicial; it may constitute itself a tribunal for the trial of offenders against any ordinance which it may ordain; it may pass sentence of death upon any such offender; it may erect within its hall a guillotine or a gibbet, and execute its own sentences by the hand of its own president. It has passed a law, not only impairing, but nullifying in express terms the obligations of contracts; it may, by the same sovereign power, pass bills of attainder, *ex post facto* laws; it may proscribe the freedom of the press, the freedom of speech, the freedom of conscience; it may establish a religion, and religious inquisition; it may grant titles of nobility; and, lastly, it may invest all these powers in its president, to have, and to hold, and to exercise, to him and the heirs of his body, forever. To say that they will not exercise these powers, is only to say that they will not thus abuse the power which they claim to possess. It is a pure unadulterated despotism—despotism in a single assembly, superseding the protection of the constitution and the laws, guarantied by the United States to every State in the Union, and to all its citizens. During the existence of that convention, the Government of South Carolina is not republican. It has no Government. It is under the rule of an organized anarchy, with a nominal Legislature subordinate to a lawless

* Thomas S. Grimke.

assemblage of tyrants, calling themselves the people of South Carolina.

It must especially be not forgotten that among the implied, necessarily implied powers claimed by this convention, is that of enacting laws for the United States—laws paramount even to the constitution of the United States. To repeal a law is to enact a law; to nullify a law is an act of more transcendent authority. The power competent to repeal is competent to enact a law. To nullify a law is an act of superior and paramount authority. The ordinance of South Carolina nullifying in words only within the limits of that State, the whole code of revenue laws of the United States assumes, in fact, the authority of repealing that whole code throughout the United States. It legislates for the whole Union. Submission to it for one instant would recognise an appellate power of legislation, coextensive with the whole Union, in every one of its States. To call such a system anarchy, would be to give it too mild a name. It is usurpation of the most odious character—usurpation of one State over the laws of twenty-three, and brands the State itself, as well as the individuals by whom the absurd pretension is raised, with the indelible character of "close ambition varnished o'er with zeal."

From these pretensions the State of South Carolina must desist. The subscribers have no doubt that, unless encouraged to persevere in them by some faltering or weakness of concession on the part of the Government of the United States, she will desist from them, and thereby redeem herself from the obloquy of a desperate struggle to subdue the whole family of her sisters under the dominion of her own ungovernable will. She must resume her seat in the family circle, from which she has so unadvisedly started, and submit to the laws which she shared in establishing, until she can persuade her associated equals to concur with her in repealing them. Of this result the subscribers entertain not the slightest doubt, if the clear and indisputable rights of the whole Union shall be maintained with becoming perseverance and fortitude by the Government of the United States.

But the subscribers have seen with deep regret that the message upon which it has been their indispensable duty to animadvert, does in its whole purport relating to the administration of the internal affairs of the nation, and most especially in the recommendation to Congress gradually to withdraw from the manufacturing establishments of the country, with a vague and indefinite exception, the whole protection of the existing laws, give an alarming encouragement, not only to the unwarrantable proceedings of the South Carolina convention, but to the most extravagant doctrines and outrages of nullification. Connected with the other effective recommendations to abandon all further purposes of national internal improvement, and all future revenues from the public lands, with the hand of ruin raised against credit and currency, in the denunciations of the Bank of the United States, and, at the root of all, the proclamation of the principle that the wealthy landholders, or, in other words, the slaveholding planters of the South, constitute the best part of the national population, they can perceive nothing other than a complete system of future Government for this Union directly tending to its dissolution—a system totally adverse to that which has prevailed from the establishment of the constitution, till the day of the delivery of the message—a system altogether sectional in its character, wasteful of the property of the nation, destructive to its commerce, withering to its future improvement, blasting to the manufactures and agriculture of two-thirds of the States, and looking in its ultimate results to sacrifice the labor of the free to pamper with bloated profits the owner of the slave.

The admission in the message that the laws for the raising of revenue by imposts have been, in their operation, unequal and oppressive upon the South, the subscribers believe to be utterly without foundation. They have proved that by the constitution of the United States the principle is expressly recognised, that, as an equivalent for the privilege of slave representation in the Legislature and the Electoral Colleges, the slaveholders should bear an additional and proportional burden of all direct taxation. It may be, that, under any possible system of taxation, the owner of slaves may feel the burdens of it more heavily than the freeman, because he must pay the taxes of his slave as well as his own. All taxation is an assessment upon property—all just taxation bears some proportion to the property of the party taxed. If the rich pays a larger tax than the poor, it is not therefore a tax unequal and oppressive upon the rich. The unequal tax is that which exacts from the poor the same amount of contribution as from the rich. There are, to speak in round numbers, two millions of slaves in this Union. At the average value of three hundred dollars a head, they constitute a mass of six hundred millions of dollars of property, all owned in the slaveholding States, who possess, or may if they please possess, all other kinds of property which can be held in the States where slavery is exploded. The slaveholders, therefore, are, as respects the whole Union, the rich, and the freemen of the other States are the poor, of the community. The slaveholders own six hundred millions of dollars worth of wealth more than the inhabitants of the wholly free States. And this property is self-productive. It is no breed of barren metal, but a breed of living value—a breed of flesh and blood, of bone and sinew, of productive and profitable labor. Its owners hold it not only as individual property, but as collective political power. It yields them not only the increase of increasing population, equivalent in this country to a compound interest of three per cent. a year. It yields them not only the fruits of all the industry of two millions of human beings, but it yields them, collectively, twenty-five representatives in one branch of the common Legislature, and upwards of thirty votes of two hundred and eighty-eight electors of President and Vice President of the United States. Upon what principle of natural justice or equity can the holders of this property pretend that they will not contribute to the revenues of the nation, more than the freeman who holds no such property, and enjoys no such representation?

It has been seen that, with a free population of 280,000 souls, Vermont sends to the National House of Representatives only five members, while South Carolina, with a like population of less than 260,000, sends nine; New Hampshire, with a free population of 270,000, sends only five. In the year 1813, under the third census, Vermont and New Hampshire had each six members in the House of Representatives, and South Carolina the same number as at present, and as she will have under the new census; that is, nine.

In the direct tax of the year 1813, the sum apportioned to the State of New Hampshire was ninety-six thousand seven hundred and ninety-three dollars and thirty-seven cents; that upon the State of Vermont was ninety-eight thousand three hundred and forty-three dollars and seventy-one cents; that upon the State of South Carolina was one hundred and fifty-one thousand nine hundred and five dollars and forty-eight cents.

If the fifteen millions of annual revenue, which are supposed by the report of the Secretary of the Treasury to be necessary for the wants of the Government, and were proposed by the report of the Committee of Ways and Means to be levied as a permanent revenue, should now be raised by a direct tax, the sum apportioned for its payment to the State of New Hampshire would fall a little short of four hundred thousand dollars; that to the State of Vermont would a little exceed the same amount.

The sum apportioned to the State of South Carolina would be upwards of seven hundred and fifty-five thousand dollars, very little short of those of the two States of New Hampshire and Vermont together. Is there a human being who can imagine that the people of South Carolina will pay, of fifteen millions levied by impost, an amount approaching to that which will be paid by the people of Vermont and of New Hampshire united? In strict justice to the non-slaveholding States, all the revenues of the Union ought to be raised either by direct taxation, or by a system, the operation of which would produce the same result. The slave representation is a permanent, uninterrupted privilege enjoyed by the owners of the slaves. The equivalent for it ought, in justice, to bear the same character. Duties of impost do so to a certain extent; but the substitution of them instead of direct taxation is, beyond all question, favorable to the slaveholding States. Nine-tenths, at least, of all the revenue raised by impost duties are levied upon the articles of cotton, wool, and woollens, silks, flax, and hemp, iron, spirits, and molasses, wines, coffee, tea, and sugar. Now, the consumption, by any part of the slave population, of any one of these articles, when imported, is exceedingly small; instead of being in the proportion of three to five in comparison with that of the free white population, it is certainly not in the proportion of one to ten. If we analyze the articles upon which the great mass of the revenue by impost is raised, we find it to be upon food and raiment; tea, coffee, sugar, wine, molasses, spirits, are of the first kind thus classified; wool, cotton, silk, flax, and leather, are of the second. Now, who does not know that the food and raiment of the slave are almost entirely of domestic growth and production? They are fed upon the fruits, and clad in the apparel produced by their own labor on the plantations to which they belong. It is probable that their owners consume more of the articles imported from abroad than an equal number of citizens in the States where all are free; but if so, it is either because they are more wealthy by the possession of slaves, or because they are not accustomed to habits of frugality so parsimonious and self-denying. The passions, the vices, and the virtues of men are all modified by their condition in civil society. Among men who subsist only upon the fruits of their own labor, industry and frugality are constantly stimulated by the natural and perpetual impulse of bettering their own condition. Wherever one portion of the community lives in perpetual servitude to another, where master and slave both subsist upon the labor of the slave, industry and frugality not only lose much of their natural influence upon human conduct, but are apt even to lose the name and consideration of virtues. The slave feels neither the spur of industry nor the curb of frugality; for the fruits of his industry are not his own, and his scanty subsistence leaves him nothing to spare. The master's wants, supplied by another's toil, multiply with the means of gratification, and his natural tendencies will be to spend rather than to hoard. All labor to him will assume the hue and disrepute of servitude, and frugality to his eyes will lose her natural healthy bloom, and fade into the livid complexion of penurious avarice. Under these influences, South Carolina, with a free white population rather less than that of New Hampshire, may, possibly, by the consumption of imported articles, contribute rather more to the public revenues of the Union; but the subscribers have no hesitation in declaring their belief that the difference of amount between them, if ascertained to a dollar, would be found too trifling and insignificant to warrant a whisper of complaint; and that it would bear no sort of comparison to the difference, disadvantageous to South Carolina, which would appear by the levy of an equal amount by direct taxation.

There is, then, neither injustice nor oppression upon South Carolina, nor upon the southern portion of the Union generally, resulting from the collection of the national revenues, by duties of impost; nor is it true that South Carolina has suffered impoverishment under this system of taxation, in comparison with New Hampshire, Vermont, or New England generally. Of this the unanswerable demonstration is found in the same fact of relative representation in Congress, under the successive enumerations of the people. In 1813, under the third census, the representation of South Carolina in this House consisted of nine members; that of Vermont was six; that of New Hampshire six. Under the last census, South Carolina retains for the next ten years the same number of nine members; New Hampshire has only five, Vermont only five: New Hampshire and Vermont have thus lost, each, one member on the floor of the Representative hall, while South Carolina has retained her number unimpaired. The relative increase of the population of South Carolina has, therefore, for the last twenty years, been greater than that of Vermont or New Hampshire; and let it be remembered that, in South Carolina, this increase of population is at the same time, in the most literal sense, an increase of wealth. There, population is property, and the increase of that part of the population which is the property of the remainder, has been in larger proportion. The slaves have multiplied more rapidly than their masters. Thus, altogether, for the last twenty years, the population and the wealth of the people of South Carolina has increased more than those of Vermont or of New Hampshire, and this is the result of the system of impost, which the political economists of the new school would teach us to believe is grinding the South to dust for the benefit of the North, and fattening the New Hampshire farmer, and the shepherd of the Green mountains, upon the spoils of the South Carolina planter.

In examining the part of the message specially referred by the House to the Committee on Manufactures, namely, that which relates to the protection necessary to domestic manufactures, the subscribers have necessarily been led not only to an examination of the principle laid down, as the basis of the recommendations, relating to this particular interest, but to a general survey of all the foundations of the new system of Government for this Union, the outline of which is presented for the first time in this document. They have considered it as a whole, of which all the parts are adapted to each other—as a whole, which, if carried into execution, would change the nature of the Government of the United States, and, in their belief, at no distant day, effect its dissolution. The assumption of the principle, that, with the exception of articles of indispensable necessity in time of war, all legislative protection must ultimately be withdrawn from domestic manufactures, the subscribers believe to be itself contrary to the vital spirit of the constitution, and equivalent to a bill of attainder, not against one individual, but against a whole, respectable, and most important class of citizens; the denial to them of a right secured to them by the social compact of the constitution itself. And this assumed principle appears to us the more exceptionable, inasmuch as it is the identical principle assumed by the nullifying faction of South Carolina, and had but too manifest a tendency to encourage them in the violent and unconstitutional measures by which they were, at the very moment when the message was delivered, arming the worse than Eastern despotism of State sovereignty against that same right of the citizen to the protection of the laws. Had it stood by itself, the recommendation gradually to withdraw from the manufactures the protection of existing laws, would have appeared inconsiderate, and, at the moment when made, most unseasonable. But, coupled, as it was, with recommendations totally to abandon all future purposes of internal national improvement, to give away, without equivalent, the immensely valuable property in the public lands, and to sacrifice with the

National Bank all the property of the nation in corporate companies for roads and canals, and the whole system emanating from a speculative theory of political morality, pronouncing the wealthy landholders of every country the best part of their population, the subscribers could neither disguise to themselves, nor could they, consistently with the sense of their duties to their country, withhold the exposure of their conviction that, taken all together, it presents a decomposition of all the elements which hold this Union together; an array of great interests against each other, instead of a combination, by mutual concession and mutual support of great interests, in union with each other. The planter of the South, the new settler of the West, the husbandman of the North and Centre, the merchant of the Atlantic shore, the navigator of the ocean, and the artisan of the workshop and the loom, have each, in his several sphere of action, a separate and distinct interest, but a common right, a common stake, a common pledge, in that great social compact, the constitution of the United States. All are equally entitled to its protection, and to that of its laws. To bind, to interweave, to rivet them in adhesion inseparable together, is the duty of the American patriot and statesman; to bring one of those great interests in hostile collision with all or any one of the others, is to loosen the bonds of the Union, and to kindle the fires of strife. A sound, uniform, and accredited currency; an inexhaustible and invaluable fund of common property in the public lands; an organized and effective application of the national energies and resources to great undertakings of internal improvement; and a firm, efficient protection of commerce and navigation against the arm of foreign violence, and of manufactures and agriculture against the indirect aggressions of foreign legislation and competition: these, the subscribers believe, are the cements which can alone render this Union prosperous and lasting. To discompose and unsettle the currency, to cast away the treasure of the public lands, to abandon all enterprise of internal improvement, and systematically to deny all protection to the domestic manufactures, is to separate the great interests of the country, and to set them in opposition to each other. It is to untie the ligaments of the Union.

The subscribers, with the most respectful consideration, but with the freedom which their sense of duty requires, cannot but indulge the hope that the author of the message will reconsider the principles upon which its recommendations are founded, and review them upon a scale of more enlarged political philosophy than that of favoritism for one part of the population, to the disparagement of all the rest; or that of reducing the Government of a nation, swelling from tens to hundreds of millions of governable population, to a simple machine. To solve civil society into its elements, is to send back man to the state of nature; it is to degrade the citizen to a savage.

The subscribers believe that this great confederated Union is an union of the people, an union of States, an union of great national interests; an union of all classes, conditions, and occupations of men; an union coextensive with our territorial dominions; an union for successive ages, without limitation of time. They read in the preamble to the constitution, that it was ordained and established by the people of the United States, among other great and noble purposes, to secure the blessings of liberty to themselves and their posterity. As sovereign States have no posterity, they are incompetent to enter into any such compact. The people of the United States, in ordaining the constitution, expressly bound to its observance their posterity, as well as themselves. Their posterity, that is, the whole people of the United States, are the only power on earth competent to dissolve peaceably that compact. It cannot otherwise be dissolved but by force. But to make it perpetual, the first and transcendent duty of all who at any time are called to participate in the councils of its Government, is to harmonize and not to divide, to co-operate and not to conflict.

The most remarkable characteristic of the controversy which now threatens the dissolution of the Union, is, that it originated in the discontent of one great protected interest, with the protection extended by the existing laws to another. The controversy is sectional in its nature. It is the superabundantly, the excessively protected interest of the South, which revolts at the feeble and scanty protection of the laws enjoyed by the North, the Centre, and the West. To inflame these discontents, and to arm them with offensive weapons, sophisms, which reason blushes to be called to confute, are wrought up into axioms of political economy; fiction usurps the place of fact, to invert the most authenticated story of our national independence. Construction nullifies the connexion between words and their meaning, to make the constitution say what it denies, and deny what it says; and invention is beggared for tales of decay and desolation and poverty and distress, in the South, in the face of an increasing relative representation in this House, and a doubling amount at once of population and property. The Southern planter is told that duties of impost are paid, not by the consumer of the dutied articles, but by the producer of cotton, rice, and tobacco. What is the purpose of this absurdity? To stimulate his selfish and sordid passion of avarice, and his hatred of the Northern manufacturer. It is not true, but his anti-social passions believe it. He is told that this Union is a mere confederacy of States, of sovereign States, from which any one of them may break off at pleasure. This is grossly, palpably false; and to bolster it up, the most notorious historical facts are falsified. He is told that each of the States of this Union separately declared itself sovereign and independent; and as bare untruth is not of itself sufficient to bear out this imposture, the county of Mecklenburg is metamorphosed into the sovereign and independent State of North Carolina, to stamp the legend of the sterling standard upon the base metal of nullification. The tale is utterly groundless, but the abused planter believes it. In the constitution of the United States, the whole people of the Union, speaking in the first person, declare themselves parties to it; declare themselves to ordain and establish it for the most exalted purposes of human action, upon this side the grave--even to secure to themselves and to their posterity the blessings of liberty. The planter is told that these are idle, unmeaning, cabalistical words; that there is no people of the United States. That the paper called the constitution of the United States is a league of despotic corporations, which can have no posterity to whom the blessings of liberty may be secured; which, having no soul, can have no dread hereafter of the penalties of violated vows, and can never be excommunicated; which, having no conscience, can be bound by no ties of morality to the fulfilment of its promises, contracts, and obligations; free from all restrictions, human or divine, independent of all laws of the land or of heaven; sovereign as the throne of Omnipotence, and competent to nullify not only the laws of the whole Union, but the inalienable rights of man, and the decrees of eternal justice. He is substantially told all this, and he believes it.

He is then told that he is poor and miserable; that his plantation is going to ruin; that his slaves double their numbers in not less than twenty years; that they are not worth half so much as they were when cotton sold for thirty cents a pound. That in South Carolina they cannot produce half so much as in Alabama, Mississippi, or Louisiana. But that it is all owing to the accursed tariff; all owing to the protection of Northern manufactures by the laws of the Union. He is told that the tariff takes money from his pocket, and puts it into that of the Northern manufacturer. He is told that the Northern manufacturer is a thief and a robber, and that it is upon him, the planter,

that his robberies are committed. He is told that a cruel, tyrannical, oppressive majority in both Houses of Congress are the representatives of this highwayman of the North; that they pervert the very principles of popular representation to the purposes of oppression and robbery; that they dare not open their hearts to the sentiments of justice and humanity. He is told all this, and he believes it.

And behold the whole foundation of the superstructure of nullification. Falsified logic, falsified history, falsified constitutional law, falsified morality, falsified statistics, and falsified and slanderous imputations upon the majorities of both Houses of Congress for a long series of years. All, all is false and hollow. And for what is this enormous edifice of fraud and falsehood erected? To rob the free working man of the North of the wages of his labor; to take money from his pocket, and put it into that of the Southern owner of machinery. It has been said that there is no philosophic falsehood so absurd, but it has been maintained by some sublime philosopher. Surely there is no invention so senseless, no fiction so baseless or so base, but it has been maintained by some learned, intelligent, amiable and virtuous, but exasperated and bewildered statesman. Nor was there ever in the annals of mankind an example of a community fretted into madness and goaded into rebellion, by a concerted and persevering clamor of grievances so totally destitute of foundation, and pretences so preposterously fictitious, as that which has found its consummation in the nullifying ordinance of the South Carolina convention.

In the name of the people of South Carolina, that convention have declared that they will never more submit to a protective tariff; and to place beyond all doubt what they mean by a protective tariff, they have nullified, that is, declared null and void, all the revenue laws of the United States. They have, to the extent of their power, extinguished all the revenues of the United States derived from duties of impost. To nullify the protection of the laws imparted to their fellow-citizens, constituting more than half the population of the Union, they have abolished the revenues of the nation. They have in express terms declared that so long as the principles of protection shall be recognised by the laws of Congress, "no more taxes shall be paid here," that is to say, in South Carolina.

South Carolina, then, by virtue of her sovereign power, has deprived the people of all the rest of the Union of the protection of existing laws; and she has declared that she never more will pay her proportion of the taxes, not even of the taxes imposed for revenue alone, until the principle of protection, that is, of protection by the imposition of duties, shall be renounced, renounced forever. In their theory, the South Carolina convention make an all-important distinction between duties imposed for revenue and duties imposed for protection; but, in their practice, they involve them all in one common ruin.

Now, the subscribers cannot suppress the mortification and alarm with which, at the very moment when the arm of one of the States of this Union was thus raised, proclaiming with a voice of thunder her inflexible purpose to strike a vital blow at the right, the first constitutional right of more than half the people of the Union to protection, even to the protection of existing laws, that, at this peculiar moment, the Chief Magistrate of the United States should have addressed to the Legislative Councils a message, recommending not only a gradual withdrawal of all that protection, but a whole system of administration for the future government of the Union, adapted to that principle of withdrawn and nullified protection; a system revolutionary in its character, totally departing from all the paths of peace and prosperity trodden by Washington and all his successors, down even to him who now calls us to deviate from them, to explore new wastes of desolation, beyond which there is no promised land, but all is one unbounded and interminable desert; a system impending with universal ruin, draining all the sources of fertility from the fountains of internal national improvement, shaking to its foundation all commercial confidence, by the determined annihilation of the bank, and wresting forever from the people of the United States, and from their posterity, for unnumbered ages, the inestimable inheritance of the public lands, bequeathed to them by their fathers, or acquired at the expense of their own toil and treasure, as a property common to them all, and already yielding them yearly millions of income, which may be, and ought to be, applied to the employment and compensation of the laborious poor, and at the same time to the permanent and growing improvement of the condition of the people.

Such, in the opinion of the subscribers, is the protection due to domestic manufactures; to the interest specially committed, by the standing order of the House, to the charge of the committee of which they are members. The protection necessary to domestic manufactures is the protection of the existing laws. It is the protection extended, though in other forms, to all the other great interests of which the community is composed; the protection enjoyed by the planter of the South, by the woodsman of the West, by the merchant of the populous cities, by the mariner of the seas; protection from foreign hostility, protection from foreign competition.

But the subscribers must not be misunderstood. This protection is in nowise incompatible with a reduction of the revenue, nor even with a reduction of the duties by impost. The taxation of the country may be reduced to the wants of the Government, at whatever scale the standard of these wants may be fixed by the wisdom of Congress, without at all impairing the principle of protection. The two principles have no necessary connexion with each other; and all this bitter controversy has arisen from the blending of them improperly together. That the taxation of the country ought now to be reduced, the subscribers do not believe, because at the present moment the treasury, so far from overflowing, is drained of more than its last dollar. Because the tariff act will not, in their opinion, bring any excess of revenue into the treasury, at least for the two succeeding years; and if even the prospect of such an unexampled evil should approach, the next Congress will be invested with ample powers to ward it off, and will certainly not be slow to exert them. Nothing can be more fallacious than the fancy that we can control the action of our successors upon subjects over which their jurisdiction will be the same as ours; with this exception, that theirs will be in full vigor, and ours forever extinct. It is not for the dead to give laws to the living. Prospective legislation upon the most uncertain of contingencies, if not absolute usurpation, is akin to it in the impotence of its claims. It is the broken column and mutilated inscription of Eternal Rome. If the time should come when even the prospect of a redundant treasury shall be imminent, taxation ought to be, and undoubtedly will be reduced; and in reducing its amount, the obligations of Congress will be to accomplish that object without injuriously affecting any of the great interests of the country. That this cannot be done by one uniform ad valorem duty of any given per centage upon all imported articles, is certain; nor can it, without great injustice, be effected by discarding all discrimination, except that of articles charged with impost, and articles entirely free. Nothing can be more unequal and oppressive in taxation, than the assessment of the same rates of duty upon all dutied articles. Its first inequality is its bearing upon the rich and the poor; the same tax, which is unfelt by the wealthy landholder, may crush to the earth the day-laborer who tills his ground. Its next inequality is that produced by foreign legislation and foreign competition. An article of foreign manufacture comes into your market cheapened by a bounty upon its export, at the

place whence it came; it comes in competition with a like article, the production of your own soil or of your own industry; tax it at the same rate of per centage upon its value, as you do an article upon the production of which none of your own citizens have staked their fortunes and subsistence, and you consume all your manufactures with fire. It may be taken as a rule of universal application, that with a uniform rate of ad valorem duties, without discrimination, there can be no domestic manufacturing establishments. This is the protection which they now enjoy by the constitution and existing laws of the United States. This protection the subscribers believe to be indispensably necessary to their existence, and its withdrawal by the General Government, whether immediate or by gradual steps, leaves them only the melancholy alternative of sudden death, or slow and lingering extinction. In either event, it will be the sacrifice of all the free industry of the Union to that best part of the population, the wealthy land and slaveholder of the South. This is the policy recommended by the message of the President of the United States, and against which the subscribers, as members of the Committee on Manufactures, in submitting this their report to the House, deem it their duty respectfully, but most earnestly, to remonstrate.

J. Q. ADAMS.
LEWIS CONDICT.

MESSAGE

From the President of the United States, returning the bill entitled "An act for the improvement of certain harbors, and the navigation of certain rivers," with his objections to the same. Read, and referred to the Committee on Roads and Canals, December 6, 1832.

To the House of Representatives:

In addition to the general views I have heretofore expressed to Congress on the subject of internal improvements, it is my duty to advert to it again in stating my objections to the bill entitled "An act for the improvement of certain harbors, and the navigation of certain rivers," which was not received a sufficient time before the close of the last session to enable me to examine it before the adjournment.

Having maturely considered that bill, within the time allowed to me by the constitution, and being convinced that some of its provisions conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature; and it has therefore failed to become a law.

To facilitate as far as I can the intelligent action of Congress upon the subjects embraced in this bill, I transmit herewith a report from the Engineer Department, distinguishing, as far as the information in its possession would enable it, between those appropriations which do, and those which do not, conflict with the rules by which my conduct in this respect has hitherto been governed. By that report it will be seen that there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by law, or have any ascertained connexion with the usual establishments for the security of commerce, external or internal.

It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, and that I could not, therefore, approve a bill containing them, without receding from the positions taken in my veto of the Maysville road bill, and afterwards in my annual message of December 7, 1830.

It is to be regretted that the rules by which the classification of the improvements in this bill has been made by the Engineer Department, are not more definite and certain, and that embarrassments may not always be avoided by the observance of them; but, as neither my own reflection, nor the lights derived from other sources, have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the powers with which I am invested, to avoid evils, and to effect the greatest attainable good for our common country, I feel that I may trust to your cordial co-operation; and the experience of the past leaves me no room to doubt the liberal indulgence and favorable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated, that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the Government may select, and losing sight of the distinctions between national and local character, which I had stated would be my future guide on the subject, I should have cheerfully signed the bill.

ANDREW JACKSON.

December 6, 1832.

ENGINEER DEPARTMENT,
Washington, October 27, 1832.

To the President of the United States:

SIR: In compliance with the requirements of your note, which I had the honor to receive from you yesterday, directing my attention to an examination of the appropriations contained in the bill "for the improvement of certain harbors, and the navigation of certain rivers," which you retained at the close of the last session of Congress for consideration, and desiring me to report, at as early a day as practicable, what appropriations are for—

"1st. Improvements of harbors on the seaboard;" or for,

"2d. The removal of partial and temporary obstructions in a river already navigable, lying between a port of entry established by law on said river, and another such port on the ocean;" or for,

"3d. The improvement of the harbors on such rivers, and within such places, or on the great lakes, which are themselves directly traversed by vessels engaged in our foreign commerce; and directing me to set forth for what improvements appropriations are made that do not come within the above restriction, that are not navigable, that are not on the direct line of communication, but embrace watercourses, or places thereon between one port and another established by law, and which do not pertain to the established harbors or ports of entry, and that are to be made in rivers on which no such harbors or ports of entry exist; or at points on the lakes that are not situate at one of, or between the different ports established by law to afford facilities to our foreign commerce;" I have the honor to lay before you the following, as the most accurate classification, under the several heads above enumerated, of the various appropriations provided for in this bill, and which have for their object works of a character indicated by these heads respectively, that the information possessed at this department will enable me to furnish.

1st. Improvements of harbors on the seaboard.

For the harbor at the mouth of Bass river, Massachusetts.

For the harbor at the mouth of Connecticut river, Connecticut.

For the harbor at the north end of Goat island, and the removal of the light-house to a proper site, Rhode Island.

For the port of Little Egg harbor, New Jersey.

For breakwater at Sag harbor, New York.

For breakwater near the entrance of the harbor of New Haven, Connecticut.

For the harbor of Baltimore, Maryland.

For breakwater at Port Pontchartrain, Louisiana.

For works at Cedar point, Connecticut.*

For Fair Weather island and Black Rock harbor, Connecticut.

For Dog river bar, Alabama.

For breakwater at Church's cove, Rhode Island.

2d. The removal of partial and temporary obstructions, in a river already navigable, lying between a port of entry established by law on said river, and another such port on the ocean.

For buoying the channel and removing the bar in the southwest passage of the Mississippi, below New Orleans, Louisiana.

3d. Improvement of harbors on such rivers, and within such places, or on the great lakes, which are themselves directly traversed by vessels in our foreign commerce.

For the harbor of Portland, on Lake Erie, New York.

For the harbor of Silver creek, on Lake Erie, New York.

For the harbor at the mouth of Big Sandy creek, on Lake Ontario, New York.

For the harbor at the mouth of Salmon river, on Lake Ontario, New York.

For the piers at the entrance of the Chesapeake and Delaware canal into the Delaware river, Delaware.

For the harbor at the mouth of Oak Orchard creek, on Lake Ontario, New York.

4th. Improvements which embrace watercourses, (or places thereon,) that are not navigable, that are not in the direct line of communication between one port and another, established by law, and which do not pertain to the established harbors, or ports of entry, and that are to be made in rivers on which no such harbors or ports of entry exist, or at points on the lakes that are not situate at one, or between the different ports established by law, to afford facilities to our foreign commerce.

For the Kennebeck river, between Augusta bridge and Ticonic falls, Maine.

For North river, Massachusetts.

For Connecticut river, above the city of Hartford, Connecticut.

For Thames river, between New London and Norwich, Connecticut.

For the Hudson river, above Hudson, New York.

For Delaware river, between Trenton and Bordentown.

For the Raritan river, between New Brunswick and Red Root creek, New Jersey.

For Deep creek, Virginia.

For Pasquotank river, North Carolina.

For river Raisin, Michigan Territory.

For Kentucky river.

For harbor of Chicago, Illinois.

For survey of St. Francis river, Missouri.

For the Cocheco branch of the Piscataqua river.

For the Mispillion river, Delaware.

For survey of Muskingum river, Ohio.

For survey of Savannah river, between Savannah and Petersburg, in Georgia.

For Saugatuck river, Connecticut.

For Back creek, Maryland.

For Wabash river, Indiana.

For opening a communication between Mahon's river, in Delaware, and the fast land.

With great respect,

I have the honor to be, sir,

Your obedient servant,

C. GRATIOT,

Brevet Brig. Gen. Chief Engineer.

* Saugatuck is classed under the fourth head.

MINERALOGY AND GEOLOGY, UNITED STATES.

House of Representatives, *February* 21, 1833.

Mr. RICHARD M. JOHNSON, from the Committee on Military Affairs, to which was referred the resolution to inquire into the expediency of authorizing the President of the United States to employ a suitable person, in aid of the Topographical Bureau, to ascertain the mineralogy and geology of each of the several States of the Union, with a view to the construction of a mineralogical and geological map of the whole territory of the United States, report:

That they have examined the subject, and are of opinion that it is of great national importance, and is deserving of the approbation of Congress. The manner, also, in which the proposition contained in the resolution is sought to be carried into effect, appears entirely unexceptionable, by reason of its being very properly connected with the Topographical Bureau, as well as on account of no additional appropriation being required to carry it into effect. It is, in fact, only adding another object to the duties of that branch of the service.

Whilst all the resources of industry in the United States have been deemed worthy the attention and protection of the Government, the development of our immense mineral wealth has been left entirely to accident, and has not been fostered by that public encouragement which would have been followed by so many advantages to our own citizens, or would have raised the scientific character of our country abroad.

The European Governments have been more just to their interests; and the science of geology, on account of its pre-eminent practical utility, is, at this time, more popular and more cherished, among the nations of Europe, than any other branch of knowledge.

This science, which can only be effectively studied by arduous and laborious examinations of extensive and distant localities, teaches that all the valuable metallic and mineral deposites, such as coals, both bituminous and non-bituminous, tin, iron, copper, lead, gold, marbles, freestones, and other mineral substances, proper for military and civil constructions, occupy geological positions in the crust of the earth, according to a natural system which is regular and unalterable, so that, to a great extent, the presence of any one of the numerous mineral formations indicates to the scientific geologist the probable existence or non-existence of other formations contiguous to it in the general system. Thus, a particular formation of sandstone may indicate, with unerring certainty, the existence of coal, or even salt, lying beneath it, in situations where no external appearances are present.

The committee forbear to press further upon the House further illustrations of this kind, and will only add that, since the surveys authorized by law to be made by the Topographical Bureau, have for their object the affording facilities connected with the transportation of productions from the interior, it would seem that the national utility of the services of that branch would be greatly increased if the Topographical Bureau were authorized to make

mineral investigations in the various territories of the United States, and then, when important developments of mineral wealth are effected, to cause such efficient surveys to be made as may give the most beneficial direction to their transportation.

The committee is of opinion that all can be effectually done without any increase of the annual appropriation under the act of April 30, 1824, and by simply adding this important object to the duties of the Topographical Bureau.

It also appears highly deserving the attention of Congress, that among the results attending the execution of this proposition, would be the construction of a national map, containing all the metallic and mineral deposites of the United States, based upon actual survey. The intrinsic value of such an extraordinary delineation of our mineral resources, and of such a monument of the encouragement given to science, no man can appreciate until some progress has been made in its execution. It is in this manner, also, that, without injuring any other branches of the service, we shall introduce among the engineers of the army a correct knowledge of the true principles of geology.

For these reasons, the Committee on Military Affairs have instructed their chairman to move the following resolution:

Resolved, That the chairman of the Committee of Ways and Means be requested to amend the bill making the appropriation on this subject, so as to give the power to embrace this subject.

CHARGES AGAINST JUDGE JOHNSON.

HOUSE OF REPRESENTATIVES, *February* 8, 1833.

Mr. BELL, from the Committee on the Judiciary, to which was referred the memorial of William Cummins, setting forth certain charges of official and other misconduct against Benjamin Johnson, one of the Judges of the Superior Court of the Territory of Arkansas, have had the same under consideration, and make the following report:

A preliminary question presented for the decision of the committee, by the nature and object of the investigation in which they find themselves engaged, was, whether a judge of a territorial court is such an officer as may be impeached before the Senate, under the provisions of the constitution prescribing and regulating the mode of bringing official offenders to justice. A majority of the committee are strongly inclined to the opinion that such an officer is not a proper subject of trial by impeachment. Some of the reasons upon which that opinion may be supported will be stated.

The constitution, in article 11, section 4, provides that "all civil officers of the United States shall be removed from office by impeachment," &c. The institution by Congress of those political corporations, denominated, in the language of our legislation upon that subject, territorial Governments, is only authorized by a very liberal construction of the general power given by the constitution to Congress over the public domain. But, admitting that exercise of power to be well enough founded, still, can a judge of such a Government be said to be an officer of the United States within the meaning of the clause already quoted? Should the doubt thrown out by the committee upon this point appear to the House to be without reasonable foundation, they think they will be fully sustained in the opinion, that, whether liable to impeachment or not, the practice of impeaching subordinate officers, and especially such as hold their offices by a tenure not more firm and durable than the judge of a territorial court, would soon be found highly inconvenient, and injurious to the public interest.

The judge whose conduct in the present instance is alleged to be such as to call for the exercise of the impeaching power of the House, holds his office for a term of four years only, and may, by the express provision of the act of Congress establishing his office, be removed at any time within that term by the President. The trial by impeachment is the highest and most solemn in its nature, known in the administration of public justice. It is established for high political purposes, and would seem to be proper only against judges who hold their offices during good behaviour, and other high officers of the Government, for such crimes or misdemeanors as the public service and interest require to be punished by removal from office.

But, as the House may not concur with the committee in these opinions, they have thought it their duty to look into the evidence before them in support of the charges made against Judge Johnson, and also into the evidence referred to them in his vindication. As they believe that, upon an examination of all the proofs before them, there can be but one opinion as to the question whether a sufficient ground for an impeachment is made out or not, the committee have not supposed it necessary or important to report to the House, in detail, either the charges or the evidence on the one side or the other.

Judge Johnson appears to have filled the office of judge of the superior court of Arkansas Territory, under several appointments, during a period of twelve years. The general charges against him are, favoritism or partiality to particular counsel in the trial of causes; irritability of temper, and rudeness on the bench towards his brother judges and the bar; incapacity, manifested by a vacillating and inconsistent course of judicial decision, and habitual intemperance.

In making out specifications under these several heads, the memorialist does not confine himself to the term of the judge's office which is just expired, but the whole period of his judicial administration in Arkansas is reviewed; and, after all, it may be stated, that four cases only are brought to the notice of the House by the evidence—the trial of Herod, House, and Woods, for the murder of Melborne, being regarded as one case in which favoritism or partiality is alleged to have influenced him.

There are facts stated in the case of Herod, House, and Woods, and in the case of Embree, which are no doubt true, as they are stated by members of the bar of character for veracity; but the inferences from those facts appear to the committee to be strained, being generally those of unsuccessful counsel; and, upon looking into the explanatory evidence furnished in behalf of Judge Johnson, not to be warranted by the circumstances of the whole case. For example, the discharge of the first jury empannelled to try Herod, after they had had the case submitted them, and held it under consideration for one night only, without any charge of improper conduct in the jury, was supposed to furnish evidence of a desire to oblige the counsel for Herod; but no such inference appears to be justified upon an examination of all the facts of the case. The discharge of one jury, and the empannelling of a second, for capital offences, appears to be considered no irregularity in the practice of the courts of Arkansas, when the jury cannot agree; and, in this case, it is not alleged that they could have agreed. The just empannelling of the second jury, and the prompt discharge of the prisoner at the same term of the court, are, in the opinion of the committee, in themselves, strong circumstances in favor of the innocence of the judge.

In the cases of Embree and Dunlop, the explanatory evidence appears to the committee, in like manner, to overthrow the inference of improper motives of the judge.

His refusal to sign a bill of exceptions, until he was re-

peatedly pressed by counsel so to do, is made a serious charge against him. The evidence furnished by the judge under this charge, makes it probable that the whole charge is founded in mistake; but, as the bill is admitted by both parties to have been signed, the charge does not appear worthy of the importance attached to it.

As to the general charge of incapacity, and an inconsistency in judicial decision, rendering the court of justice wholly uncertain; the general testimony borne by so many persons of respectability to the legal learning and ability of Judge Johnson; and the specific fact, which is stated by several, that in no case has a decision of Judge Johnson, in the circuit court, been reversed in the superior court, appear to be a sufficient refutation.

The charge of intemperance, although supported by proof of excessive indulgence upon a few occasions, does not appear to be well founded, to the extent alleged by the memorialist. The testimony upon this point, as well as in relation to the general integrity, impartiality, and ability of Judge Johnson, is ample, and, in the opinion of the committee, conclusive. The Governor of the Territory, a large portion of the bar, the clerks of all his courts in his circuit—clerks holding their offices by the suffrages of the people in their respective counties, together with many others in public stations, furnish the most decided and unequivocal testimony in favor of the general uprightness and propriety of Judge Johnson's conduct, both as a judge and a private citizen.

UNITED STATES BANK.

Report of the majority on the subject of the Bank of the United States.

House of Representatives, *March* 1, 1833.

Mr. VERPLANCK, under instruction from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means report: That, among the subjects referred to the Committee of Ways and Means, at an early period of the session, were the transactions of the Bank of the United States, in relation to the payment of a portion of the public debt; and the inquiry into the present pecuniary and financial state and management of the institution.

The arrangement made by the bank for a temporary postponement, with the consent of the holders, of the payment of five millions of the three per cent. debt, being now substantially closed by the surrender to the Government of the certificates of stock, except for a small amount, and the whole debt itself having been liquidated, so far as respects the Government, at an earlier period than it is probable it would otherwise have been, this question seems no longer to present any important or practical object of inquiry, or to call for or admit any action of Congress upon it.

The committee have examined several of the directors on this subject, as well as upon other points connected with the management of the institution. Their testimony is herewith submitted; and the committee specially refer to the evidence of Mr. Bevan and Mr. Eyre, as explanatory of the history and motives of this transaction.

It is due, however, to the Government, to express the opinion, that in the arrangement made by the bank agent in England, for the purchase of the three per cent. stock, and the detention of the certificates, (which measures were afterwards disclaimed by the bank,) the bank exceeded its legitimate authority, and that this proceeding had no sufficient warrant in the correspondence of the Secretary of the Treasury.

The inquiry into the present condition of the bank, the general character of its business, and the soundness of its capital, is a subject of much greater interest and importance, since it involves not only the question of the safety of the public deposites, but the value of the large amount of stock held by Government, and the still more momentous considerations of the soundness of a large portion of our currency, and the consequent security or insecurity of the domestic exchanges and commerce of the country.

The President, in his message to Congress, at the opening of the present session, informed them, "that such measures as were within the reach of the Secretary of the Treasury had been taken to enable him to judge whether the public deposites in the Bank of the United States were entirely safe; but, as his limited power might prove insufficient to that object," the President recommended the subject to Congress, as particularly worthy of their investigation.

Since that period, the report of the agent appointed by Government for this examination, has been communicated to Congress, and referred to that committee. The Committee of Ways and Means have also received from the directors of the bank a report on the principal points of its administration and its present state, prepared by the exchange committee of the bank, and adopted by the board of directors.

The importance of the statements and results, contained in that report, induced the Committee of Ways and Means, in the course of the examination of the directors composing the exchange committee, to require their attestation, under oath, to the facts and statements of that paper, as distinguished from its opinions and arguments. This was done very fully. The same, and other directors, (two of whom had heretofore been Government directors, one under the present, and one under two former administrations,) in reply to various interrogatories, stated, as will be seen in the evidence herewith submitted, the means at the command of the board of directors, or any member of it, for distinctly knowing the operations of the several branches, and the character of the paper discounted at them, together with their own opinion, drawn from these sources, of the general safety of such paper.

The Committee of Ways and Means have to regret that the constant and daily pressure of the various duties which have devolved upon them, during this short and laborious session, did not permit a more full examination of the concerns of the institution. If, however, in the entire absence of any evidence calculated to refute, or in any way impeach, that which is before the committee, the statements and opinions of the treasury agent, selected by the treasury to examine the condition of the bank; those of several of the present directors, men of character and intelligence, long conversant with accounts and banking business; the official returns of the bank itself, and the report of its principal committee, attested to under oath; if all these can be relied upon, as furnishing satisfactory information on the present state and pecuniary means of the institution, the following results will appear:

First. The directors of the bank at Philadelphia receive from the boards of their branches frequent, regular, and minute returns of the paper discounted by them. These returns, together with the separate correspondence of the cashiers of the several branches, afford such information of all the business of those branches as to enable the board of the mother bank, or any single director who may wish to inquire into it, to ascertain the character of the business of those branches; as, for instance, whether the mass of paper discounted be founded on ordinary commercial transactions, and to be paid from their proceeds when at maturity, or whether any considerable proportion of it consists of what is called accommodation paper, regularly renewed. They can know, in like manner, whether the domestic bills of exchange, purchased at the branches, arise out of business transactions, and to be paid when at maturity, or whether they are mere ac-

commodation paper in another form, to be repeatedly renewed by drawing and redrawing between distant offices.

Second. These returns, together with the reports of the boards of the several branches, upon whose character and judgment they place great reliance, form the ground upon which the directors have stated under oath their full confidence that the mass of paper discounted by the bank and its branches, and detailed as active debt in their statement, is safe. On this, they believe, no serious loss need be apprehended. The dishonored paper held by the bank is stated to be returned as doubtful or suspended paper, and to be estimated, not at its nominal, but at its presumed actual value. The real estate of the bank is, in like manner, valued, not at cost, but on estimates founded on frequently renewed appraisals of the probable market value. They depose that, to the best of their knowledge and belief, the whole amount, with inconsiderable exceptions, if any, of domestic bills of exchange purchased by the bank and its officers, is regular business paper, founded upon the agricultural exports and commercial imports of the country; and that by far the greatest portion (probably nine-tenths) of the notes discounted is of the same character. They also assert, with much confidence, that most of their accommodation notes are well secured, and form, in fact, the safest investment of the bank.

The inquiries respecting the amount of accommodation paper were made to ascertain the character of the general business transactions of the bank; and not because the committee believed that accommodation paper, discounted to a great extent, would necessarily endanger the solidity of any moneyed institution. Such paper may frequently be as safe, such loans as useful, as any. But it is certain, that, when moneyed institutions are in a hollow and unsound state, it commonly arises from the capital having been invested in doubtful paper of this description. The very fact, therefore, of the discounts of a bank being principally applied to the ordinary business paper of an active commercial community, will show that, allowing for only ordinary judgment and integrity in the selection of such paper, nothing short of some general overthrow of mercantile credit will produce material loss.

Third. In general corroboration of their statements on this point, as well as of their opinions of the security of the bank debt, the directors appeal—1st. To the fact of the great fluctuation of the exchange business, at the same points, at different periods, corresponding with the periods of the shipments of agricultural produce in the West; as, for instance, at Nashville, within three months in 1831, from $366,000 to $1,062,000. And again, at the same place, in 1832, within about half a year, from $2,760,000 down to $503,000. 2d. That of the easy reduction, during the last year, of about one-eighth of the whole amount of the bank debt throughout the Union, and specially to the amount reduced in the Western offices. 3d. To the very small amount of losses which have occurred for some time past in those offices, and to the facility with which, in addition to the aggregate reduction of loans there, a very considerable proportion of the local debt, on promissory notes, has been converted into the more secure and manageable form of domestic bills of exchange.

If these statements, and this evidence, can be relied upon, the available and secure resources of the bank amounted, on the 1st of January last, to eighty million eight hundred and sixty-five thousand dollars, whilst all the claims against it, for bills, debts, and deposites, including those of the Government, and for the redemption of the public debt, were but thirty-seven million eight hundred thousand dollars, leaving above forty-three millions as a guaranty to the nation against any losses. For as the whole amount of debts, bills, and deposites, must be paid before the stockholders, the whole capital and the surplus must be considered as a pledge for the debts due to individuals and the Government. As the capital consists of thirty-five millions of dollars, it would appear, from this statement, that the bank had earned, and then possessed, a surplus of twenty-two per cent. above the amount of its capital. Whether that surplus could or could not be realized, at a final winding up of the bank, is a subject only interesting to the buyers, sellers, and holders of stock. The single point of view in which it is important to the nation, is in regard to its bearing on the healthy state of the bank, and the consequent safety of the public deposites, and the sound state of the currency. For these objects, it is sufficient to inquire whether this surplus does or does not afford a sufficient guaranty that the original capital of $35,000,000 is unimpaired.

The whole amount of bills and paper held by the bank, on the 1st of January last, was $61,695,000; of which $8,246,000 is stated to be the local debt of the Western States, leaving $53,749,000 as the debt of the Atlantic commercial cities; and that in the shape of domestic bills, between them and the interior. There seems no reason to doubt that the paper of the description last mentioned is of the same general character as that of other city banks, managed with ordinary discretion. Now, it is well known that, in our great cities, business paper is constantly guarantied by commercial houses of prudence stability, and wealth, for a *del credere* commission of two and a half per cent. On much of the better class of paper, and in some of our Northern cities, upon most of it, the ordinary charge is much less: but a greater proportion of loss than this ought certainly not to occur in a well managed city bank, where the judgment and information of a board of directors is combined with that of its officers. In point of fact, it is believed that two and a half per cent. on their discounted paper actually exceeds the losses of prudently managed institutions in our cities. But allowing the loss on the Atlantic and commercial debt to reach four times that amount, say ten per cent., then $5,370,000 of the surplus would be an ample guaranty against such loss. This would leave $2,680,000 as a surplus, which would meet the loss of about one-third of the local Western debt, without impairing the original capital of the bank.

The committee do not mean to be understood as asserting their belief that the Western debt is more hazardous than that in any other part of the Union. The bank directors express their conviction that it is not so; and the agent appointed by the treasury does not hesitate to say, "that he considers that debt in a safe and wholesome state, and that a greater amount of loss need not be apprehended from it than from a similar mass distributed in the cities of the Atlantic frontier." But this estimate has been made, because the extent of the Western transactions of the bank has been mentioned as one of the subjects peculiarly calling for investigation.

These general views of the situation of the bank, and the consequent safety of its depositors and bill holders, derive strong confirmation from the fact of the large proportion in the specie of the country, which is held by the bank. It appears, from official documents of unquestionable authority, that the specie actually in the vaults of the Bank of the United States is within one-tenth of the amount held by all the other banks in the Union, whilst its circulation of paper is but one-fourth of the aggregate of theirs. In other words, the Bank of the United States has above nine millions of specie, with a circulation of notes to the amount of seventeen millions and a half, whilst the aggregate of all the other banks, with specie in their vaults, but a little above ten millions, have a circulation of sixty-eight millions of bank paper.

If, then, the evidence herewith submitted can be relied upon, which it is for the House to judge of, there can be

no doubt of the entire soundness of the whole bank capital, after meeting all demands upon it, either by its bill holders or the Government; and such is the opinion of the committee, who feel great confidence in the well-known character and intelligence of the directors, whose testimony supports the facts above stated.

The committee conclude by respectfully recommending the adoption of the following resolution:

"*Resolved*, That the Government deposites may, in the opinion of the House, be safely continued in the Bank of the United States."

In the House of Representatives, *March* 1, 1833.

Mr. POLK, from the minority of the Committee of Ways and Means, consisting of three of its members, to which was referred so much of the message of the President of the United States, of the 4th of December last, as relates to the Bank of the United States, and to which was also referred the annual report of the Secretary of the Treasury upon the same subject, have had the same under consideration, and, not concurring in the report of the majority, ask leave to report:

That the attention of the committee has been directed chiefly to the transactions of the bank in relation to the proposed payment, by the Government, of a large portion of the public debt, denominated the three per cent. stocks, during the past year, and on the 1st of January ultimo, whereby the payment of a portion of that debt has been postponed by the bank beyond the period fixed by the Government for its reimbursement. To ascertain the true state of facts connected with this transaction, the committee deemed it proper to request the Government directors of the bank, and a part of the directors on the part of the stockholders, to attend before them, and give information upon the subject. Several of the directors, both on the part of the Government and of the stockholders, accordingly attended before them, and gave testimony upon the subject. Their testimony is herewith submitted with this report. Sundry letters and documents, upon the same subject, numbered from 1 to —, inclusive, are also herewith submitted. From all which the following facts appear: That the bank, as early as the month of October, 1831, gave instructions to its offices, and particularly to those in the western and southwestern portions of the country, to curtail their business, and furnish aid to the principal bank and the Eastern offices, to enable the institution to meet the large payments of the public debt which were anticipated during the following year. From the answers received from the offices in the West and Southwest, this effort to curtail its discounts seems to have been unsuccessful, as will be more particularly stated in a subsequent part of this report.

Some inquiry has been made into the general condition and management of the institution; but, from the want of means and time, a thorough investigation could not be had upon these points. They content themselves, therefore, with submitting the facts of the case as they are disclosed by documents, and by the oral testimony of the directors, in relation to the payment of the public debt, adding such particulars upon the other points as they have been able, in the limited period allowed to them for the investigation, to collect.

It was anticipated by the bank, at an early period, that the Government would, during the year 1832, draw from it nearly the whole of the public deposite, to be applied in payment of the national debt. On the 24th of December, 1831, in a letter from the cashier of the principal bank to the cashier of the New Orleans branch, it is observed, "that such appears to be the anxiety of the Government for the early extinguishment of the public debt, that we are not likely to have the use of any considerable amount of treasury balances during the coming year." In letters dated the 20th and 21st of January, 1832, to the cashiers of the branches at Cincinnati, Louisville, Pittsburg, Natchez, Mobile, Nashville, and Washington, is the following declaration: "The rapid redemption of the public debt will probably deprive the Atlantic offices, in a great degree, of the benefit of Government deposites during the whole of the present year." In March, negotiations were entered into by the president of the bank and the exchange committee, with the view of procuring a postponement of the payment of a portion of the public debt beyond the period which might be fixed by the Government for the payment, so as to enable the bank to retain possession, and have the use of the public funds which it held on deposite, during the period of postponement. Prior to the 13th of March, a communication was opened by the president of the bank, with Thomas W. Ludlow, Esq., of New York, the agent for the foreign holders of about one million seven hundred thousand dollars of the three per cent. stocks, with the view of postponing its payment for one year beyond the time at which its payment might be directed by the Government. In a correspondence commencing on the 13th of March, and ending on the 23d of July, and which is herewith submitted, the following proposition was made by the president of the bank in a letter dated the 19th of March: "When the three per cents., assumed by foreigners, whom you represent, shall be paid off, the bank will continue to pay the interest at the same rate, for one year from the date of the payment by the Government. At the expiration of that year, if you will give to the bank three months' notice of your wish to receive reimbursement of the principal, either in whole or in part, the principal shall be so reimbursed. And if the bank will give to you, or to whomsoever may then represent the foreign stockholders in this country, a like notice of three months of their intention to make reimbursement, either in whole or in part, the agent of such stockholders shall receive such reimbursement, and surrender the certificates." About the same period, a similar negotiation was opened with another representative of about a million of stocks held abroad, but neither was brought to any satisfactory result, for the want of power in the agents of the foreign stockholders to make such an arrangement. These propositions were concealed from the Government.

On the 24th of March, the acting Secretary of the Treasury informed the president of the bank that it was proposed to give notice of the purpose of the Government to redeem one-half of the three per cent. stocks (about six and a half millions of dollars) on the first day of the succeeding July, remarking to him, if any objection occurred to him, "either as to the amount or mode of payment," to suggest it. The president immediately visited Washington, and urged the Government to postpone the intended payment for three months; and upon agreeing, on behalf of the bank, to pay the quarter's interest, procured the postponement until the first of the succeeding October. Having failed, as we have seen, to effect a postponement with the agents of foreign holders residing in this country, but, by representations made to the Government, having succeeded in obtaining a postponement until the 1st of October, the bank was temporarily relieved; but, as the period approached for the payment in October, it found it necessary to seek further relief. Between the 1st and 10th of July, the president and the exchange committee determined to open a negotiation in Europe for the postponement, for one year, of the payment of five millions of the three per cent. stocks held abroad; but they carefully concealed their intention from the Government; and there is strong reason to believe, indeed it is certain, that it was concealed also from the Government directors and the board itself. This will be shown more clearly when we come to examine the proof on this point. General Cadwalader, a director of the

bank, was requested to undertake the mission. He received his instructions on the 18th of July, and sailed for Europe on the 20th. On the 22d of August, General Cadwalader closed an arrangement with the house of Baring, Brothers, and Company, of London, providing for the purchase or postponement of five millions of the United States three per cent. stocks for one year from the 1st of October, 1832, the Barings retaining possession of the certificates of that purchased, and the stockholders retaining the certificates of that postponed; and, in the event the amounts purchased and postponed should not equal five millions of dollars, then the Barings were to give the bank a credit for the deficiency, upon which the bank might draw. In a letter, dated the 22d of August, and received as early as the 1st of October, General Cadwalader informed the president of the bank of the tenor and substance of this agreement; and, in a letter dated the 25th of August, enclosed the agreement itself. The Barings proceeded, under this contract, to make purchases of stock on account of the bank, and for the bank, to the amount of one million seven hundred and ninety-eight thousand five hundred and ninety-seven dollars and fifty-seven cents, and procured the postponement of two million three hundred and seventy-six thousand four hundred and eighty-one dollars and forty-five cents; amounting, in all, to four million one hundred and seventy-five thousand and seventy-nine dollars and two cents—of which they apprised the president of the bank, from time to time.

A supplemental agreement was made by General Cadwalader, on the 13th of September, with the Dutch holders of three per cents. who might consent to postpone the payment of their stock, stipulating to pay them, at the close of the period of postponement, at the rate of forty cents per guilder.

On the 15th of October, the president of the bank wrote to the Barings, disavowing so much of General Cadwalader's arrangement as provided for the purchase of stocks on account of the bank, on the ground that it was a violation of the bank charter. In the same letter he proposes, as a substitute for General Cadwalader's arrangement, that all the certificates, both of the stock postponed and purchased, that the portion which the stockholders have consented to postpone "should be passed to their credit on the books of the bank, and continue to bear an interest of three per cent. per annum, payable quarterly, until the 1st of October next, when the principal will be reimbursed;" that "the portion purchased by you [the Barings] will, in like manner, go to your credit when it is paid by the Government. At that time it will be for you to determine whether it shall continue to draw an interest of four per cent., (if that be the rate,) payable quarterly, or whether you would desire immediate payment." In a letter dated the 19th of October, the president proposes, in case of any difficulty with the stockholders who have agreed to postpone their stock, to let them retain the certificates, and adds, "we will endeavor to accomplish the object of the bank without possession of the certificates." In a third letter, dated the 31st October, the president urges the surrender of all the certificates, and says: "Should any difficulty occur, it would be agreeable to the bank if you would obviate it, either by causing the certificates to be sent to the bank for immediate reimbursement, or, if necessary, by purchasing the certificates on your own account, in the same manner as was done with those previously purchased, and taking your reimbursement in the mode most agreeable to yourselves."

On the 6th of November, the Barings received the president's letter of the 15th of October, but took no immediate steps to comply with his wishes.

On the 14th November, the Barings received the president's letter of the 19th of October, and, in reply, referred him to their agent in the United States, T. W. Ward, of Boston, to make an arrangement relative to the purchased stock, expressing a desire to accommodate the bank.

On the 22d of November, the Barings received the president's letter of the 31st of October, and, in relation to the deferred stock, say: "We have already mentioned to you that several of the holders of the three per cent. certificates made the retention of them the condition of their postponing reimbursement. There can be but little ground, therefore, to expect that they would now accept less favorable terms, and we cannot express any confidence in an attempt to persuade them to relieve the bank from the engagements we entered into with them on its behalf."

The Barings, however, issued a circular, inviting the holders to surrender the certificates, "engaging to obtain for you [the holders] an acknowledgment from the bank that the amount has been passed to your credit on its books, and will be either held at your disposal, or remitted in a bill, at the usual time, on the 1st of October, 1833; up to which period it engages to remit the interest, as before it was reimbursed. Should you, however, for any reason, prefer an immediate remittance, both of interest accrued and capital, the bank will, of course, comply, on receiving your instructions to that effect." To the stockholders who desire it, the Barings agreed to give the guaranty of their house for the faithful performance of the mere agreement.

There is no evidence to show what is the nature of the agreement finally made by the bank with the Barings, through their agent, Mr. Ward, in relation to the purchased stock; nor is it shown, with precision, to what amount the holders of the deferred stock have agreed to give up their certificates, and receive a credit on the books of the bank, bearing interest until reimbursed in October, 1833. From the letters of the Barings to the bank, dated the 29th of November, and the 6th, 14th, 19th, and 22d of December, we collect various items of the deferred stocks, for which the holders have agreed to wait for reimbursement until October, 1833, surrendering the certificates, and taking a credit on the books of the bank, amounting in all to one million four hundred and twenty-eight thousand nine hundred and seventy-four dollars and fifty-four cents. There appears to be still outstanding of the stocks postponed under General Cadwalader's arrangement, nine hundred and eighteen thousand three hundred and eighty-one dollars and ninety-eight cents, most of which will probably not be called for until October next; so that the probable amount of those stocks, which will not be paid until that time, exceeds two millions of dollars. But the sum of one million four hundred and twenty-eight thousand nine hundred and seventy-four dollars and fifty-four cents is now known to have been definitively postponed until October, 1833, according to the proposition contained in the president's letter to the Barings, of the 15th of October last. Although the Government has probably been released from its responsibility, and in the accounts of the bank with the treasury the whole amount is represented as paid, yet, to the amount thus postponed, nothing has, in fact, been paid by the bank.

By the monthly statement of the bank of the 1st of February, 1833, it appears that there was then standing to the credit of redemption of public debt, assigned by the Government to that object, but not yet applied by the bank, the sum of - - - $5,163,075 40

To this add the above sum definitively postponed until October, 1833, but transferred from Government to individual account, - - - - - 1,428,974 54

Giving a total of - - - $6,592,049 94

There was, therefore, an aggregate sum exceeding six million five hundred thousand dollars ordered to be paid in October and January last, which had not been paid by the bank on the 1st of the present month, unless the assumption of $1,428,974 54 of it, by the bank, be considered a payment to that extent.

Various reasons have been assigned by the bank and its officers for the postponement of the payment of these stocks; and the committee propose, briefly, to examine them.

It appears, from official documents in possession of the committee, that the president of the bank, as early as the 13th March, 1832, after having previously, as we have seen, taken measures to curtail the discounts at the Western and Southwestern offices, and after having made a fruitless effort to obtain aid from these offices, stated to the board "his views in relation to the probability of the redemption, by the Government, in the course of the present year, of a large portion of the three per cents. of the United States, more than one-half of which he stated to be held by foreigners; the magnitude of whose claims on the bank might, possibly, expose the community to great inconvenience, unless some measures should be adopted for deferring a part of the payment which may be required," &c.

For the postponement from July to October, sought by the president, of the Government, in a letter to the Secretary of the Treasury, dated 29th March, 1832, he gives the following reasons, viz.

"The inconvenience, then, of the proposed measure is, that the repayment of six or seven millions of dollars, more than one-half of which is held in Europe, may create a demand for the remittance of these funds, which would operate injuriously on the community, and, by abridging the facilities which the debtors of the Government are in the habit of receiving from the bank, may endanger the punctual payment of the revenue, as the bank will necessarily be obliged to commence early its preparations for the reimbursement of so large an amount of public debt."

The president, in a postscript to that letter, illustrates his meaning, as follows, viz.

"P. S. As an illustration of the effect of the measure proposed, I may mention that, in the month of February last, the collector of New York, with a laudable anxiety to protect the public revenue, applied to the bank to authorize an extension of loans in that city, in order to assist the debtors to the Government. This was promptly done. This I should desire to do again, as the payments to the Government during the next quarter will probably be very large. N. B."

In his evidence before the committee of investigation last year, (see documents accompanying the report of the committee, page 530,) the president of the bank adds another reason for this postponement. After referring to the letter of the acting Secretary of the Treasury, of the 24th March, 1832, heretofore alluded to, he proceeds to say: "Thus invited by the Government, in a communication marked 'confidential,' to give my opinion on a measure contemplated by the Government, I felt it my duty to express my views of its probable operation." He then adverts to the contents of his letter of 29th of March, in reply, and proceeds: "Having thus performed my duty in giving the opinion asked, I left it, of course, to the Government to decide. On the part of the bank, I sought nothing, and requested nothing. After weighing the circumstances, the Government were desirous of adopting the measure," &c.; and concludes: "Now it will be seen that, in all this, the bank has not had the least agency, except to offer its opinion when it was asked, in regard to a measure proposed by the Government, and then to offer its aid in carrying that measure into operation."

For the secret mission of General Cadwalader to Europe, in July last, and the postponement negotiated there, in a letter to the Secretary of the Treasury, dated 27th October, 1832, the president of the bank adduces reasons similar to those contained in the foregoing extracts, and adds—

"Their inherent difficulty has increased, on the present occasion, by the prevalence of the cholera, which was already in New York and Philadelphia, and seemed destined to pervade the whole country, deranging, in its progress, all the relations of business, and threatening such a general prostration of commerce as would endanger the punctuality of private engagements, and put to great hazard the public revenue, of which the estimated receipts, from July to January, were about thirteen millions. To those who witnessed its ravages, it was manifest that a continuance of the pestilence, for a few weeks longer, would have thrown into great confusion the pecuniary affairs of the country, and have pressed, with peculiar force, on the public revenue, more especially as the demand on account of the foreign holders of three per cents. at New York and Philadelphia alone, on the 1st of October, would have exceeded five millions of dollars. Under these circumstances, the bank deemed it an imperious duty to avert, as far as possible, the effects of such a calamity, and to husband its means, in order to interpose, if necessary, for the relief of the community. It was determined, therefore, to reserve five millions of dollars for that purpose; and, accordingly, the foreign holders of the three per cents. to that amount, principally represented by the bank as their agent, were invited to leave the fund with the bank for a few months after the payment by the Government, receiving from the bank the same rate of interest."

The reasons given by the exchange committee, in their report to the directory on the 29th of January last, correspond with those given by the president. They also place the negotiation with Mr. Ludlow, in March, 1832, on the ground of preventing the inconvenience which might arise in suddenly withdrawing so much capital from the country. They likewise attribute to the Government the postponement from July to October, remarking, that "the Treasury Department having applied to the bank for its opinion as to the expediency of making a payment of six millions on the 1st of July, the opinion was given, that it would be better for the country not to make such a pressure on its resources at that moment, and the payment was postponed, the bank consenting to allow the Government the quarter's interest during the interval." In relation to the postponement negotiated in Europe, the committee say—"From the communication with the treasury in July, it was probable that the funds of the Government might be insufficient to pay the debt advertised to be paid," &c. "It was further manifest, that the ability of the Government to meet its engagements depended entirely on the punctual payment of the revenue in the commercial cities from July to January, which was estimated at about twelve millions of dollars. That revenue was threatened with the greatest danger by the appearance of the cholera, which had already begun its ravages in New York and Philadelphia, with every indication of pervading the whole country."

As to the reason given for desiring, on the 13th March, 1832, to defer the payment of an unlimited amount of the three per cents., it would be at all times equally applicable. The sending of money out of the country without any return, especially in large amounts, would unquestionably reduce the value of property, and create commercial embarrassments. But, as in commercial transactions, so in the transfer or payment of stocks, an export is followed by an import, and a reimbursement by a reinvestment. A large portion of the public debt of the United States has always been held by foreigners. It has been paid from time to time without any sensible effect

upon the community. That portion held abroad, which remained to be paid, two-thirds in October, and one-third in January last, was about $7,800,000. But it must be recollected that these funds do not all leave the country. A portion of them is reinvested in other stocks, and at the same time other funds are introduced. It is not long since the city of Washington borrowed in Holland, and brought into the country, a million of dollars to be invested in canal stocks. A large portion of the New York, Pennsylvania, and Ohio canal stocks have passed into Europe. In the transactions of a few months, disclosed in the report of the investigating committee of last year, (see Bank Report, page 125,) the process is exhibited by which $1,794,000 of American stocks was sent to England by a single broker. It is understood that the Louisiana loan of last year, amounting to $7,000,000, was all taken by the house of Baring, Brothers, & Co., of London; and we perceive that the president of the bank, in his letter of the 15th of October, proposed to pay them the amount of the three per cent. stocks purchased by them for the bank, by funds in New Orleans. While old stocks are paid off to foreigners, new stocks are subscribed for or purchased by them, and it is doubtful whether the aggregate held by them in this country is not now greater than it was two years ago. The Louisiana loan of itself is nearly sufficient to counterbalance the Government three per cents. In addition to these facts, the Government itself, by its successful diplomacy, is bringing large sums of money into the country from Denmark, France, &c. On the whole, it does not appear that the drain of funds, and the commercial embarrassment anticipated from promptly paying off the three per cents., could have taken place; and the apprehension of such serious consequences appears to have been without foundation. The next reason given for seeking the postponement of the proposed payment of about six and a half millions from July to October, viz. the necessity of extending accommodations to the merchants who had duty bonds to pay to the Government, in order to secure the payment of the revenue itself, appears not to have guided the bank in its subsequent course. The monthly statements from the New York branch show very conclusively that the president is mistaken in his illustration, contained in the postscript to his letter of the 29th March, to the Secretary of the Treasury; and that the bank did not, after the indulgence was obtained, extend those accommodations in the commercial cities, which he stated to be necessary, and which had been the inducement with the Government to grant the postponement, which the bank asked from July to October. The amount of discounts and bills purchased at the New York branch at the days stated, were as follows, viz. (See Toland's Report, page 16, of December, 1832.)

1832,	February	2, - - -	$6,071,613
"	March	7, - - -	5,948,423
"	April	4, - - -	5,769,363
"	May	2, - - -	5,581,684
"	June	6, - - -	5,327,861
"	"	20, - - -	5,174,109
"	July	3, - - -	5,321,419
"	August	1, - - -	5,575,547
"	September	5, - - -	6,222,137
"	October	3, - - -	5,845,155
"	November	7, - - -	6,314,187
"	December	1, - - -	6,046,530
1833,	January	1, - - -	6,170,687

It hence appears that the aggregate of discounts and domestic exchange at New York, instead of being increased in February, was steadily reduced from the 2d of February to the 20th June, to the extent of near $900,000; that it then rose again, but, on the 1st of December, was still below its amount in February last; and on the 1st of January, was about the same as in the preceding February. Mr. Eyre, a director of the bank, and a member of the exchange committee, examined as a witness before the committee, has appended to his testimony a statement including foreign bills purchased, and balances due from city banks, commencing on the 3d of July, and ending on the 3d October. Even this statement shows a diminution of the amounts due to the bank down to the 25th July, and then an increase to the 26th September; but the increase consists almost entirely of an augmentation of the balances due from the city banks, and is not certainly that sort of accommodation to the merchants which was referred to in the president's representations to the Government, when he asked, in behalf of the bank, the postponement from July to October.

If there was but little extension of accommodation to the merchants of New York, there was more to those at Philadelphia. From February, 1832, down to January, 1833, the amount of discounts and domestic bills at the principal bank has been as follows: (See Toland's Report, page 16.)

1832,	February	2, - - -	$9,759,832
"	March	1, - - -	8,843,354
"	April	5, - - -	8,080,614
"	May	3, - - -	7,575,163
"	June	7, - - -	7,398,923
"	July	5, - - -	7,230,311
"	August	2, - - -	7,010,793
"	September	6, - - -	7,017,008
"	October	4, - - -	6,562,051
"	November	1, - - -	6,579,912
"	December	1, - - -	6,994,715
1833,	January	1, - - -	6,536,945

It appears that, instead of an extension of loans at Philadelphia, there has been a very heavy curtailment, amounting to more than three millions of dollars within the first nine months; and that the loans at that place on the 1st January last were more than three millions less than they were a year ago. During this period the discounts on stocks at that place have increased.

At Baltimore there was a curtailment from February to November, of about half a million, and the loans at that branch were, on the 1st January last, less than they were a year ago.

At Boston, from February to June, 1832, there was a curtailment of more than 700,000 dollars, but the debt has since increased so as to exceed its amount a year ago.

On the whole, it appears by the statements of the bank, furnished by itself, that no extraordinary accommodations were granted to the community at the points where the revenue is principally collected, in consequence of the indulgence obtained from the Government. On the contrary, during the first part of that indulgence there was a general curtailment, and, at the four commercial cities, the aggregate of accommodations was less on the 1st of January last than it was on the 1st January, 1832, by 3,185,996 dollars. Indeed, the testimony taken by the committee clearly proves that, neither at the time the indulgence was granted, nor at any subsequent period during the past year, have the importing merchants needed or received any unusual accommodations. The following question was put by the committee to Joshua Lippincott, Esq. a director, viz.

"Has there been, during the past, any pressure generally upon that class of merchants in Philadelphia who secure and pay the duties to the Government upon foreign importations?"

To this he answered, "None more than usual."

To a similar question, John T. Sullivan, Esq. another director, answered:

"I am not aware of any pressure, generally, upon that portion of our citizens. I believe no extended accommodations have been made to them by the bank. The importers, in my opinion, have been borrowers to a very moderate amount."

Manuel Eyre, Esq. another director, answers:

"I think the pressure was not so heavy on the East as on the West for that time, and forbearing to take from the West enabled them to pay to the East, &c. I do not recollect whether any increased accommodations were granted to the importing merchants."

It is thus proved by the testimony of the directors, that there was no unusual pressure upon that portion of the community who pay duties to Government, and, by the same testimony, as well as the accounts of the bank, that not only no unusual accommodations were extended to them, but their usual accommodations have been curtailed. To give them increased facilities, and thus enable them to pay their bonds to the Government, was not therefore the object of the bank in asking and procuring a postponement of the public debt. Nor are the other reasons assigned by the president of the bank [see bank document, page 530–1] for seeking a postponement of the Government; nor his declarations that "he made no application to the Government, nor have I requested any suspension of the payment of the public debt," and that the measure was "proposed by the Government;" nor his other declaration to the committee of the last year, that "I am not aware that the bank, on the 1st of October last, (1831,) or at any other period during more than nine years, in which I have been connected with it as its presiding officer, has sought or obtained any indulgence from the Government of any kind, in reference to the payment of the public debt;" nor the declarations of the exchange committee upon the same subject, sustained by the evidence taken by this committee.

Richard Willing, Esq., a director, in his testimony says:

"With regard to the payment in July, in consequence of the pressure on the Western country, and the difficulty of withdrawing funds from that source, it was desirable to postpone that payment to the 1st of October." "I presume that the postponement to the 1st of October was concealed by the Secretary of the Treasury at the solicitation of the bank, with the view that the bank might not press hard upon its debtors, or upon its accommodations to them, or for which period the bank allowed the Government the interest." "I have no doubt the arrangement was made at the solicitation of the bank."

Mr. Eyre, on being asked whether the object of the president, in visiting Washington in March, 1832, was not to ask Government to postpone the proposed payment of about six and a half millions from July to October, replied, "I know that was the object of his visit," and says, "it was known to me as a member of the exchange committee."

Asbury Dickens, Esq., who, as acting Secretary of the Treasury, wrote the letter of the 24th March, 1832, which brought the president of the bank to Washington, says, in his testimony: "I wrote the letter as mentioned in the interrogatory, and Mr. Biddle came to Washington as therein described. He represented verbally, and similar to those stated in his letter of the 29th March, that it would be desirable to postpone the payment of the three per cents. until another quarter; and I think it was upon my suggestion that he put his representation in the form of a letter. The letter of the 29th March was accordingly written; which, though dated in bank, was written by Mr. Biddle at the treasury. During the interview with Mr. Biddle, Mr. McLane, the Secretary, came to the department. He had been confined at home by indisposition, and, as well as I recollect, came out for the purpose of seeing Mr. Biddle. The postponement was again urged by Mr. Biddle, and upon grounds similar to those urged in his letter. Mr. McLane did not, at that time, however, give any positive answer. I believe it was one or two days before the matter was finally settled, and the consent of Mr. McLane was communicated to Mr. Biddle, through me, verbally, on condition that the bank should pay the quarter's interest which would accrue by the postponement. The application for the postponement was on the part of the bank, and was granted by the Government, not because of any apprehension of a want of funds to meet the intended payment on the 1st of July then next following."

It is clear, then, that the postponement was granted upon the application and urgent solicitation of the bank, and for its accommodation.

On reference to the monthly statements of the bank, for the 1st April and 1st July, 1832, we find that, at the former period, the public deposite in the bank was 9,513,000 dollars, and at the latter, 9,811,000 dollars; being at the time the postponement was sought by the bank, and during the whole intervening period up to July, three millions more than the amount proposed to be paid. The Government, therefore, had no motive to propose the postponement.

In his letter of the 24th of March, Mr. Dickens first states the purpose of the Government to pay off, on the 1st of July, "one-half of every certificate" of the three per cents, and then adds, "if any objection occurs to you, either as to the amount, or as to the mode of payment, I will thank you to suggest it." He did not ask any opinion as to the time of payment, but only as to the expediency of paying so large an amount, or paying the certificates by halves. But the president of the bank availed himself of the occasion to procure from the Government a respite for the bank, which he had previously been secretly, but unsuccessfully, negotiating with the agents of some of the foreign stockholders to obtain, and agreed to pay the interest to the Government, as in his letters of the 13th and 19th of March, to Mr. Ludlow, of New York, he had proposed to do to the foreign stockholders, if they would agree to grant the bank a similar indulgence, by agreeing to withhold their certificates, and postpone the payment. It is not probable that the Government would ask, or that the bank would pay, about 48,000 dollars, the quarter's interest, for an arrangement "proposed by the Government," in which the bank "sought nothing and requested nothing."

The reasons assigned by the president of the bank for General Cadwalader's mission to England in July last, and the postponement of five millions of the three per cents. held abroad, for one year beyond the time fixed by the Government for their payment, are divided into three branches.

1st. The desire of the bank to accommodate the importing merchants, who were the debtors of the Government in revenue bonds.

2d. The prevalence of the cholera in New York and Philadelphia at the time the mission was resolved on. And,

3d. An alleged understanding, which, as will hereafter appear, never existed, between the Bank and the Treasury Department, by which, in consequence of a possible deficiency of public deposites to meet the payments of the public debt, advertised to be paid on the 1st of October and the 1st of January, the bank might be required to make advances on account of the Government.

As to the first, we have already shown that there was no unusual pressure on the importing merchants during the whole year 1832, and that no unusual accommodations were extended to them; but that, on the contrary, there was a considerable curtailment of discounts at the principal points of importation. That reason, therefore, is as little applicable to the postponement negotiated in Europe in August, as to that procured from Government in the preceding March.

In relation to the second reason, based upon the prevalence of the cholera, the president says, "it was already in New York and Philadelphia, and seemed destined to pervade the whole country;" and the committee of ex-

change, in their report, say, "it had already begun its ravages in New York and Philadelphia, with every indication of pervading the whole country." The president says, "to those who witnessed its ravages, it was manifest that a continuance of the pestilence for a few weeks longer would have thrown into great confusion the pecuniary affairs of the country;" and the committee say, "had it continued as it began, and as all the appearances in July warranted the belief of its continuance, there can be no doubt it would have prostrated all commercial credit." By the experience of mankind, the fact is well established, that the visitations of the cholera, at any particular place, are of short duration. Probably no instance can be found in the history of the disease, in Europe or in this country, in which it has raged at the same place during the space of two months. In our own cities, its visits have generally been much shorter. To send to Europe for relief after the disease had appeared, when a return could not possibly be received until it had passed away, would seem to be an inadequate means of providing against its ravages. In point of fact, during the months of July and August, within which the cholera appeared and disappeared in Philadelphia and New York, the bank accommodations were actually curtailed at these points, in the former city, and not materially extended in the latter; nor did General Cadwalader's arrangement enable the bank to extend its business until the 1st of October, long after the cholera was gone from both cities.

But from the evidence taken by the committee, and from historical data, it appears that, when the mission to England originated, the cholera had not appeared in either Philadelphia or New York.

John McKim, Esq., a director, residing at Baltimore, in his testimony, states that, at the meeting of the board of directors, for the purpose of declaring the dividend of July, 1832, "the mission of General Cadwalader was mentioned at the board, but I did not consider the mention of it official. The precise object of his mission I do not think was mentioned. I, however, understood that it had relation to the three per cents."

The meetings of the board to appoint the dividend committees, to which the non-resident directors of the bank are called, are held, the committee are informed, on the Fridays preceding the first Mondays in July and January; and, on this occasion, that Friday came on the 29th of June. It was, therefore, on the 29th of June that Mr. McKim heard the subject of this mission mentioned at the board.

General Cadwalader, in his testimony, says the subject was mentioned to him "between the 1st and 10th of July, and the object explained to be a postponement of the payment of the three per cent. stocks to the extent of about five millions of dollars."

By a report of the board of health in New York, it appears that the first case of cholera in that city occurred on the 2d of July; and, by a similar report of the board of health in Philadelphia, it appears that the disease first broke out in that city on the 15th or 16th of July. As the mission to England had been projected as early as the 29th of June, and General Cadwalader had been requested to proceed to Europe before the 10th of July, and the object explained to him, it is obvious that the ravages of the cholera in New York and Philadelphia would not have weighed upon the minds of the president or exchange committee in determining on the mission, or on the amount of payments to be postponed. It is true, on the 18th of July, when General Cadwalader's instructions were given, the cholera had made its appearance in both cities; and one set of those instructions commences with saying, "the probability of the spread of the cholera may occasion great embarrassment and distress in the community, and makes it expedient for the bank to keep itself in an attitude to afford relief," &c. Nevertheless, it is now evident that the cholera was not the moving cause of this mission; and it is remarkable that it is not mentioned in General Cadwalader's private instructions, although in that document he is told, "we wish the arrangement should, at all events, be made."

As to the third reason assigned for the postponement, there seems to be quite as little ground for imputing this mission to a prospect of having to make advances on behalf of the Government. It appears that, in a conversation between the Secretary of the Treasury and the president of the bank, probably about the 1st of July last, the Secretary, calculating his means closely, concluded that he would pay off the whole of the three per cent. stocks by the close of 1832; but, as, in so close a calculation, it was possible there might be a trifling deficiency of funds to meet the payment on the day fixed for that purpose, a suggestion was made that probably the bank would be willing to retain the certificates which it was understood to control, as agent for some of the stockholders, a few days, and until the public deposites should be sufficient to meet them. To this the president assented. Mr. Dickens, the chief clerk of the Treasury Department, who was present during the conversation, gives the following account of it, viz.

"I think it was suggested by myself, that it might so happen that there would not be funds quite sufficient in the bank on the day on which the debt would be payable, to pay it; and I think I suggested, at the same time, that, in that case, the bank would doubtless be willing to hold back any certificates it might have the control of until funds should come in. There was no formal agreement, to my knowledge, between Mr. McLane and Mr. Biddle upon the subject: it was merely a conversation. If there had been a probability of a deficiency of funds, the Government would not have issued the notice."

It was, therefore, not a probability of deficiency but a mere possibility, which induced the Secretary of the Treasury, in his letter of the 19th of July, after informing the president of his intention to give notice of the payments to be made on the 1st of October and January, to add:

"This has been done with the understanding had between us, that, if it should happen that the public moneys are insufficient to complete those payments, the bank will delay the presentation of any certificates of which it may have the control, until the funds are sufficient to meet them," &c.

In his reply, dated 26th July, the president of the bank says, "the bank has taken the necessary steps to obtain the control of a considerable portion of these certificates, and will very cheerfully employ it in such manner as may best suit the convenience of the Government." If the president alluded to General Cadwalader's mission, it is evident that he totally misunderstood the object of the Treasury Department: that object was to pay off the whole three per cents. in January, by its own means if it should possess them; and, if not, the bank was to hold back, for a few days, a part of the certificates which it controlled as agent, until the revenue, which was daily coming into the bank, should be sufficient to meet them.

It is now alleged that the president of the bank here alluded to General Cadwalader's mission. But the result of that mission was not "to obtain the control of a considerable portion of these certificates;" but, by a formal contract, to leave them in the hands of the Barings, and other stockholders, until October, 1833. The bank could not, therefore, "employ it in such manner as may best suit the convenience of the Government," because, unless it wholly disavowed the expected action of its agent, it could not get the control of the certificates, or exercise any power over them, for a whole year. What was the object of the Government? It was to pay off the whole three per cent. stocks in October, 1832, and Janu-

ary, 1833. It was expected that its own means would be sufficient for the purpose; but, in case there had been a small deficiency, then it was understood that the bank would hold back any certificates it might control to the amount of that deficiency, for a short time, and until the public deposite should be sufficient to meet it. No aid was expected from the bank; but General Cadwalader's arrangement, by detaining the certificates to the amount of four or five millions in Europe until October, 1833, was calculated directly to defeat the Government, even in the application of its own means. No one deemed it possible there could be a deficiency to that amount, or a fourth part of it.

It must be remembered that the allusion of the Secretary to the understanding between himself and the bank was contained in a letter dated at Washington, on the 19th July, which would not have reached Philadelphia before the 21st, and was not acknowledged until the 26th. By Mr. McKim's testimony, it appears that General Cadwalader's mission had been projected as early as the 29th June; had been spoken to, and the object explained before the 10th July; had received his instructions on the 18th, and sailed for Europe on the 20th. He says himself, in his testimony, "at the time I was appointed to proceed to Europe, no notice had been issued by the treasury of the intention to pay the three per cents., nor was it then known whether that stock was to be reimbursed in whole or in part." Is it possible, then, that the object of his mission was to provide against any possible deficiency which might be produced by the reimbursement of that stock? It was not mentioned in either set of General Cadwalader's instructions; nor in the letter of the president of the bank to the Barings introducing him; nor in his letter to General Cadwalader upon the receipt of the Secretary's letter of the 19th July; nor in his letter to the Barings, of the 15th of October, disavowing and proposing to change the arrangement; nor in his letter to the same, of the 19th and 31st of October; nor in any other letter or paper in this correspondence.

Nor does the President of the bank, in his letter to the Secretary of the Treasury, of 27th October, giving the reasons and results of General Cadwalader's mission to England, make the slightest allusion to any understanding with him, or any probable deficiency in the treasury, as having been one of the inducements to that measure. On the contrary, he declares that the whole fund of five millions provided by the arrangement with the Barings, was set apart to guard against the contingencies of the cholera. He says, the appearance of that disease made it "the imperious duty" of the bank "to husband its means, in order to interpose, if necessary, for the relief of the community. It was determined, therefore, to reserve five millions of dollars for that purpose; and, accordingly, the foreign holders of the three per cents., to that amount, principally represented by the bank as their agent, were invited to leave the fund with the bank a few months, &c.; and, as if he was anxious to convince the Secretary that it was the cholera, and nothing but the cholera, which had produced the contract with the Barings, he says, in conclusion, "that arrangement, as you will perceive, was a precautionary measure to enable the institution to mitigate the severity of a great disaster; and, when the country was happily relieved from it, the means the bank had provided for the occasion, were applied to their appropriate objects." When the bank, as late as the 27th October last, has thus declared that the fund provided by the mission to Europe was solely intended to guard against the effects of the cholera, and, that danger having passed away, had already been applied to other objects, without the slightest regard to the condition of the treasury, how can it now allege that it was negotiated to meet a probable deficiency of public funds on the 1st of the succeeding January? The declarations of the president of the bank, then, and of the exchange committee, now, are wholly incompatible. Even now the members of the exchange committee, in their evidence, declare that the Government had no interest in this mission.

Mr. Bevan, chairman of the exchange committee, says, "I presume the Government was not so informed [of General C.'s mission to Europe,] because his mission was not designed to interfere with any rights or interests of the Government." Again: "As it involved no special interest of the Government, I conceive they had no more right to be consulted in relation to it than any other stockholder."

On no other ground can the concealment observed towards the Government be at all palliated. The bank did not consult the Secretary of the Treasury to know whether it would be agreeable to him that the possible deficiency in the treasury should be guarded against, by postponing the payment of five millions of the three per cents. a whole year. If it had, and he had thought such a postponement necessary, he would undoubtedly have replied, that he would effect it himself, by not giving notice of payment until that time, and would not put the bank to the trouble and expense of sending an agent to Europe to effect the object privately. But the whole matter was concealed from him. So well did the agent understand that concealment was expected, that he requested the Barings not to publish or even print their circular to the stockholders. In his letter of the 25th August, enclosing copies of the contract and the circular, he says, "I requested that the letter should not be published, but specially directed as a private letter, in manuscript, and signed by the house," appears not to have been published in Europe, but, by some means, it found its way into the New York papers about the 11th or 12th October. The publication of this paper, contrary to the design of the bank, appears to have given to the Secretary of the Treasury his first information relative to the objects of General Cadwalader's mission to Europe, and led to the explanations contained in the letter of the president, dated 27th October. The account therein given of the arrangement made with and through the Barings, was, to say the least, imperfect and unsatisfactory. He says that certain foreign stockholders "were invited to leave the fund with the bank for a few months after the payment by the Government, receiving from the bank the same rate of interest;" when, in fact, there was a formal agreement with them that they should retain their certificates, and not come forward for payment until October, 1833; and General Cadwalader's private instructions show that he was authorized to allow an interest "as high as four per cent., or even four and a half, including all commissions;" and on the purchased stock, at least, actually did allow four per cent., and a commission of a half per cent.

The president of the bank did, indeed, say: "Presuming that it may interest you, I enclose you a copy of the correspondence on the subject of the three per cents.;" yet the correspondence enclosed was only his letter to the Barings, of 17th July one set of General Cadwalader's instructions, dated 18th July; his letters to the Barings, dated 15th and 19th October; and his letter to the cashier of the New York branch, dated 2d October. But the private instructions of General Cadwalader, dated 18th July; his letters to the president of the bank, of the 16th, 22d, 25th, and 30th August, and 6th and 14th September, and the letters of the Barings, dated 22d and 30th August, and 6th September, together with the contract itself, most of which are essential to a full understanding of the subject, were withheld. Upon a request of the Secretary, dated 31st October, the president of the bank sent the four papers last referred to, and volunteered a

copy of his letter to the Barings, dated 31st October; but none of the other correspondence appears ever to have been communicated to the Treasury Department.

If this affair had been undertaken for the benefit of the Government, in consequence of an understanding with the Treasury Department, is it credible that its origin, progress, and result, would have been at first so carefully concealed, and afterwards so reluctantly, and at last so imperfectly communicated to the head of that department?

Mr. Dickens states, in his testimony, that "if there had been a probability of a deficiency of funds, the Government would not have issued the notice." In fact, there was no deficiency. The accompanying statement of the treasurer shows that, on the 1st of October last, after deducting the whole amount set apart for the payment of the public debt, advertised for that day, the deposites of public officers, and all outstanding warrants, he had left an available balance, subject to draft, of $3,222,792, and, on the 1st of January, $730,217. The monthly statements of the bank show an aggregate amount of public funds in bank on the 1st of October, under the heads of treasurer deposite, deposites of public officers, and redemption of public debt, of $13,661,193, and on the 1st of January, $12,752,543.

On the whole, it is impossible to make any thing more plain than that it was not any probable deficiency in the treasury which, in any degree, tended to produce General Cadwalader's mission to Europe. In its result it thwarted the most cherished object of the Treasury Department, which was promptly to apply its means to the payment of the public debt; and the bank, to meet this desire of the treasury, has been engaged, since the 15th of October, in undoing the work of its agent. The attempt, therefore, to throw any part of the responsibility of this transaction upon the Secretary of the Treasury is totally unfounded, and most unwarrantable.

As the Treasury Department had no agency in this transaction, the alleged analogy with a case which occurred in 1819 entirely fails. The advance then agreed to be made, on the part of the bank, was expressly requested by the Secretary of the Treasury.

If further reasons were wanting to prove that it was neither the cholera nor the treasury which gave occasion for General Cadwalader's mission to Europe, they may be found in the date of the authority under which it was instituted. The committee of exchange refer, for their authority, to a resolution adopted on the 13th March, 1832, in the following words, viz.

"*Resolved*, That the subject of the communication just made by the President, be referred to the committee of exchange, with authority to make, on behalf of the bank, whatever arrangements with the holders of the three per cent. stocks of the United States may, in their opinion, best promote the convenience of the public, and the interests of this institution." The "communication" then "just made," could not have referred to the cholera, for that scourge had not then appeared on the American continent; nor could it have alluded to the understanding with the Secretary of the Treasury, for that occurred long afterwards. Those topics, therefore, constitute no part of the reasons of the board for adopting the resolution, and form no part of the "subject" referred to the exchange committee. The resolution was adopted for other reasons—reasons which, according to the testimony of Mr. Bevan, induced the board to give the committee power "to go to any extent that might be necessary, not five millions alone, but ten millions." The committee did, for those reasons, commence a negotiation forthwith with Mr. Ludlow for the postponement, for one year or more, of about one million seven hundred thousand dollars, and with another individual for about one million dollars. Hence it appears that there were reasons for giving authority to postpone ten millions, and that an effort was actually made to postpone near three millions, long before the reasons, now so strenuously urged, could have had existence. And did the exchange committee think it right, after having acquired power for one purpose, to exercise it for another, without recurrence to the source of their authority? If the reasons of the board which induced them to confer the power had ceased to exist, did they think it right to exercise it for reasons of their own? We cannot suppose them capable of so thinking, or so acting. We must suppose that the resolution was executed with the same motive that it was adopted, and that the cholera and the treasury had as little to do with its execution as with its adoption.

Indeed the correspondence with Mr. Ludlow, which was commenced on the 13th of March, was continued until the 23d of July, after General Cadwalader had sailed for Europe; and the arrangement proposed as early as March in the United States, was consummated on the 13th of September, in Europe, by his supplemental agreement with the Dutch stockholders. The propositions interchanged in this correspondence show, that the exchange committee, or the president of the bank, found reasons in executing the resolution of the 13th of March, long before the cholera made its appearance, or a possible deficiency in the treasury was suggested, to such a postponement of payment of a large amount of the three per cent. stocks for an entire year, or such longer period as might be agreeable to the parties, permitting the holders thereof, in the mean time, to retain their certificates.

It may, however, well be doubted, after reading the annexed testimony, whether the resolution of the 13th of March did confer, or was intended to confer, on the exchange committee any authority for the steps taken by them. It appears to have been understood very differently, as well by those who adopted it as by those who acted under it.

Mr. Sullivan, a director, states, that he understood at the time of its adoption, that the resolution only authorized the exchange committee to negotiate with the agent in this country, of certain foreign stockholders, for anticipating the payment of about $1,700,000 of stock held by them; and says "the board did not confer the power on the exchange committee to make such an arrangement, as I understood it."

Mr. Willing testified that he understood the resolution as authorizing the committee "to obtain a postponement with the consent of the Treasury Department."

Mr. Bevan, one of the exchange committee, to whom the execution of the resolution was entrusted, testifies that "the object [of the resolution] was, if it should be necessary, to defer the payment of a portion [of the three per cents.] but not the certificates; the holders of the certificates to surrender them up to the Government, and to take the bank instead of the Government for debtor."

Mr. Eyre, another of the exchange committee, testifies that "the resolution itself gave sufficient authority to the exchange committee to make all the arrangements the committee did make."

General Cadwalader, the agent sent to Europe, proved, by his acts, that he considered it as authorizing the committee to purchase stocks, as well as negotiate for a postponement of payment.

A resolution which was thus understood five different ways by those who adopted it, and were entrusted with its execution, must, for any purpose, be considered as very doubtful authority. For the purpose to which it was applied, it could constitute no authority; for the directors of the bank themselves could not rightfully make an arrangement with the public creditors, the effect of which should be to thwart the policy of the Government, and prevent, for a whole year, the application to the

payment of the public debt of the public funds which were in bank, and had been set apart for that purpose.

It is not to be presumed that, in adopting the resolution, the board of directors conceived that they were authorizing, or did in fact authorize, the propositions made by the president of the bank to Mr. Ludlow, or either branch of the arrangement negotiated by General Cadwalader. If the committee were doing no more than the board authorized, why were their proceedings so carefully concealed from the board?

Mr. Cadwalader testifies: "I understood the business to be secret between the president, the committee, and myself, only until the period of its completion."

Mr. Lippincott testifies: "I had no knowledge of the appointment of General Cadwalader." Again: "The directors frequently conversed upon the subject, but what I learned was probably as much from out-door as in-door conversation. As to the date, I think it was about the time of the appearance of the circular of the Barings in a New York paper, which was about the 11th or 12th of October; I do not remember that it was spoken of earlier." Again: "It was not officially made known to the board of directors till Tuesday, the 29th of January last."

Mr. Sullivan testifies "that he had no knowledge of General Cadwalader's agency; that he constantly attended the board, and that his arrangement was not submitted to the board, while he was present, until the 29th of January ultimo, when the report of the exchange committee was laid before the board of directors."

Mr. Willing, a director, testifies: "I knew nothing of the precise objects of General Cadwalader's mission, till it was suggested to me, out of doors, that it related to the three per cents." Again: "The proceedings of the exchange committee did not come to my knowledge officially until January last."

Mr. Bevan, a director, and member of the exchange committee, testifies, that, "as it respects the board of directors, it was understood, when the matter was referred to the exchange committee, that, as it involved business somewhat of a nature necessary to be kept secret, and, as is usual, it is not expected that such committee report until the conclusion of the business referred to it."

Mr. McElderry, a director, testifies: "I knew nothing of General Cadwalader's mission, or the objects of it, in July last: it was not mentioned at the board at any meeting at which I was present. The first intimation I had of it, was the appearance of the circular of the Barings in the New York papers, upon the subject of deferring the three per cents. held abroad."

On the 27th of July, Mr. Eyre, from the committee on the offices, being also, as well as the president of the bank, a member of the exchange committee, made a report to the board of directors, in which, after alluding to the fact, that, between this time and the 1st of January next, there will be reimbursed upwards of fifteen millions of dollars of the funded debt of the United States, proceeds to state, "that provision for these payments must be made by the bank out of its means, now employed in loans to the community," concealing from the board the fact, that the president and committee of exchange had already sent an agent to Europe to negotiate a postponement of five millions of those payments until October, 1833.

On the 21st of September, "the president laid before the board a statement of the amount of the three per cent. stocks of the United States, to be paid off on the 1st of October, and explained the situation of the bank and offices in relation thereto, showing the ample resources which have been accumulated to meet the payments, at various points, by means of the policy which has been pursued for some time past," omitting to mention that he then had an agent in Europe negotiating the postponement of several millions of those very payments for a whole year.

On the 4th of October, having received General Cadwalader's letter of the 22d of August, setting forth the tenor and substance of the agreement with the Barings, "the president stated to the board that the committee on the offices, under the authority given them on the 21st ultimo, in consequence of the strong position which the bank now occupies, had deemed it advisable to modify the instructions to the offices at Lexington, Louisville, St. Louis, Cincinnati, and Pittsburgh, as to allow them to check freely upon the bank, as heretofore, and to extend their purchases in domestic bills;" concealing from the board the important fact that he then had in his possession the substance of an agreement with the Barings for the postponemeat of the payment of five millions of the public debt, which alone, as he afterwards acknowledges in his letter to the Secretary of the Treasury, of the 27th of October, and as the exchange committee repeat in their report, enabled the bank to adopt this relaxation of its policy.

On the 20th of November, the non-resident directors having been specially called in to receive information of the proceedings and situation of the bank, "the president explained, in detail, the course of the operations during the past year, and the instructions under which the offices are now acting, accompanied by various statements from the books of the bank, showing the amount of its investments at each point, and their gradual diminution, the amount of its circulation and specie, and the progress made in the payment of the public debt," &c., concealing this most important operation, the arrangement with the Barings, and other foreign holders of the public debt, then unrescinded, which had confessedly controlled the course of the bank from the first of the preceding month.

The first information in relation to these transactions, given to any one not of the exchange committee, appears to have been contained in some statement to the committee on the offices, and the non-resident directors, to whom was referred the communication of the president to the board on the 20th November. Mr. Willing says: "The first official information I had was in November, at the meeting of the committee on the offices and the nonresident directors; but the whole of it was not detailed. It was not till January, upon the receipt of the letter of the chairman of the committee, [of Ways and Means,] at which time I was a member of the committee of exchange, that I became possessed of a full knowledge of the whole transaction."

The committee on the offices, in their report in November, make no mention to the board of this transaction, and it was not until the report, drawn from the exchange committee by a letter from the chairman of this committee, that any communication on the subject was made to the board of directors. And, at last, the second set of instructions to General Cadwalader, marked private; the letter fixing his compensation; all his letters from Europe, to the president of the bank, and all the Baring's letters written since the 6th September, which documents are essential to a full understanding of the whole subject, appear to have been withheld from the board. Why is this, if the committee, in all their proceedings, have but executed the resolution of the 13th of March?

From the evidence before them, the committee are compelled to conclude that the members of the exchange committee, in general, have been as little informed, in relation to much of this transaction, as the other directors.

In their report, signed Matthew L. Bevan, chairman, it is alleged that the whole stocks purchased and deferred

in Europe, through General Cadwalader's arrangement, have either been paid, or ample means provided for their payment, and now in the hands of the Barings. Messrs. Bevan and Eyre, members of the exchange committee, have testified that the statements contained in this report are true, to the best of their knowledge and belief. Mr. Bevan was asked by the committee whether "the amount of the three per cents., of which certificates have been presented, was paid by means of any new debt contracted by the bank for that purpose?"

He answered, "No, sir; their own funds, in the hands of their agents, were ample to meet all which the bank or its agents had purchased or deferred." In answer to another question, he says, "The bank has paid, out of its own resources, all the public stock which has been paid, as per report of exchange committee, and no part of which have I any knowledge of being finally deferred. The funds of the bank in the hands of the agent in Europe, were found to be ample to meet all the stock that was contemplated to be deferred, and has since been paid, or directed to be paid, out of those funds in the hands of its agents in Europe; and, as far as I know and believe, there is not one dollar now due to any body on account of the stock originally contemplated to be deferred." Again, he testifies: "I have no knowledge that any of the European holders have consented to defer any part, but am of opinion that the funds in the hands of the Barings have been applied to the entire extinguishment of all the certificates which have been transmitted, through their hands, to the bank; and that, so far as the said certificates and powers have been received, they have simply gone to the credit of the Barings against the funds belonging to the bank in their hands."

Mr. Willing, another member of the exchange committee, on being asked whether these certificates were paid off by contracting a new debt in Europe, testifies: "Not that I know of, or believe. The bank does not owe a farthing, I believe, in Europe."

Now, the correspondence of the bank with the Barings, a large portion of which was on hand before this testimony was given, or the report of the exchange committee drawn up, clearly shows that many of the holders of the deferred stock have agreed with the bank or its president to surrender their certificates to the bank without receiving payment—taking, in lieu thereof, a credit for the amount on the books of the bank, bearing interest, and not to be paid to them by the bank until October, 1833. The new debt in Europe, as shown by this correspondence, already amounts to $1,428,974 54, and will probably be increased to more than two millions. Now, it is impossible that these witnesses could have seen this correspondence, or known any thing of it, when they gave their testimony.

In pursuance of the proposition of the president of the bank, contained in his letter to the Barings, of the 15th October, to alter the arrangement in relation to the deferred stock, the Barings issued a circular to the holders, inviting them to forward their certificates, and adding—

"We trust it will not be inconvenient to you to comply with this favor, in which case we shall be glad to receive your certificates, with the necessary power of attorney, upon our giving you the usual letter, stating that we have received them for transmission, and engaging to obtain for you an acknowledgment from the bank, that the amount has been passed to your credit on its books, and will be either held at your disposal, or remitted in a bill at the usual time, on the 1st of October, 1833, up to which time it engages to remit the interest, as before it was reimbursed."

In a letter of the 29th of November, the Barings, adverting to the circular, and other measures taken by them, proceed to say:

"To such parties as require it, we give the guarantee of our house for the faithful performance of the present agreement, and we likewise assure all, that the letter or document from the bank, stating that the amount of their certificates is carried to their credit, and that interest will be paid them until the reimbursement of the capital, on the 1st of October, 1833, shall be delivered to them here free of expense."

In the letter of the 29th of November, accompanying the circular, they send the names of stockholders, and the stock then arranged, under this new agreement, amounting to $20,363 58. On the 14th of January last, the cashier acknowledges the receipt of these certificates, and says they are "passed to their respective credits, as per enclosed acknowledgment." He then adds, "the several certificates, as they are received, will be credited in like manner, to the respective holders, who will be duly advised separately."

On the 6th of December, the Barings remitted other certificates, to the amount of $74,730 31, stating that the holders "wish their capital to remain with the institution until the 1st of October, 1833." In like manner, remittances have been made by them to the amount of $1,428,974 54 of the deferred stock, leaving $918,381 98 not yet heard from.

By the acknowledgment of the cashier, it appears that the terms of this new arrangement, and at least one remittance of certificates in pursuance of it, was received as early as the 14th of January last. But it is impossible that it could have been communicated to Mr. Bevan or Mr. Willing, of the exchange committee. If it had been, they would not have testified so positively that no new debt had been contracted in Europe to pay these certificates; "that there is not one dollar now due to any body on account of the stock originally contemplated to be deferred;" that, "the funds in the hands of the Barings have been applied to the entire extinguishment of all the certificates which have been transmitted through their hands to the bank;" and that "the bank does not owe a farthing in Europe." The fact being clearly established by this correspondence, that a new debt has been created by the bank, we are driven to the conclusion that this correspondence has never been submitted to the exchange committee, and that they are wholly uninformed in relation to this important transaction, though done in their name.

Nor could they have had the slightest knowledge of, and much less seen, the letter of the president of the bank to the Barings, dated the 15th of January, 1833, acknowledging the receipt of their letters of the 6th, 14th, 22d, and 29th of November, thanking them for their "zeal and judgment" in arranging the affairs of the bank, and concluding, by observing, "it remains for us only to hope that you may be able to close the arrangement, by transmitting the certificates at an early day," although the president is but a member of the committee, and not its chairman.

Conclusive as this is, there is further evidence that the exchange committee are not consulted in relation to the transactions done in their name.

Mr. Bevan says, in his testimony, "I do most respectfully deny any intention, on the part of the exchange committee, to protract or delay the payment of any portion of the public debt, beyond that directly and expressly agreed with the honorable Secretary of the Treasury, from July to October; and that the contemplated deferment was, that the bank alone should become responsible to the European holders of the three per cent. stocks; and, so far from delaying the presentation of the certificates, they have been hastened by the interference of the agent of the bank in Europe, and will be in possession of the Government earlier than they would otherwise have been."

The president of the bank, in his letter to Mr. Ludlow,

dated the 19th of March, 1832, made a proposition, on behalf of the exchange committee, looking to the retention of the certificates by the stockholders, until 1833, or a longer period. This letter could not have been submitted to the exchange committee, or Mr. Bevan would have objected to it.

It is not denied that General Cadwalader was authorized, in his negotiation, to admit a stipulation for the retention of the certificates by the stockholders, which, as the correspondsnce with the Barings shows, was essential to business, and has never been disavowed; yet this subject could never have been submitted to the exchange committee, or Mr. Bevan would have opposed it.

In his letter to the Barings, of the 19th of October, the president proposed, in case of any difficulty, that the certificates should remain in the hands of the stockholders; but this letter could not have been submitted to the exchange committee, or Mr. Bevan would have objected to it.

Indeed, Mr. Bevan's evidence conclusively proves, that he never approved any part of the first arrangement, and is wholly uninformed as to the second. Although chairman and organ of the committee, its correspondence is not submitted to him, and some of its most important acts are done without consulting him, and much less the other members.

Indeed, it seems that the exchange committee themselves consider the president of the bank as concentrating in his hands their whole power. Mr. Eyre, a member of that committee, on being asked why the disavowal of General Cadwalader's arrangement was deferred until the 15th of October, when his letter, communicating its substance, was received about the 1st, replied:

"I cannot answer this question further than saying, the first time I saw the letter of General Cadwalader, I disavowed it; whether that was immediately on its arrival, or some time afterwards, I cannot now say, as I was frequently absent about that period. After the president received the agreement from the Barings, he disavowed it, as stated in his letter of the 15th of October to the Barings."

Hence it would seem that the exchange committee had little to do in making the agreement or disavowing it; and that they have no knowledge of the second agreement, is fully proved by their own testimony.

It is, then, well established, by the evidence, that it was not the accommodation of the importing merchants, nor any probable deficiency in the treasury, nor the appearance of the cholera, which produced the resolution of the 13th of March, the negotiation with Mr. Ludlow, the application to the Government for a postponement of the contemplated payment of the public debt, from July to October; the mission to England; the contract with the Barings, and the final arrangement with a portion of the foreign holders of the three per cents., by which they have agreed to take the bank for their debtor, and wait for payment until October, 1833. For the true reason for this train of measures, all tending to the same end, we must look to other quarters, and we shall find it in

The condition of the Bank.

There had been, within a short period, an extension in the business of the Bank of the United States, perhaps unparalleled in the history of banking institutions. The aggregate debt due the bank at the periods named was as follows, viz.

1829, December 31, - - -	$40,216,530
1830, December 31, - - -	42,402,304
1831, March 31, - - -	47,164,101
" June 30, - - -	55,143,739
" September 30, - - -	57,849,720
" October 31, - - -	60,101,373
" December 31, - - -	63,026,452

Here was an extension of loans by the bank, in the year 1831, of 20,622,148 dollars, being an advance of about 50 per cent. upon its accommodation, in a single year. During the same time its circulation had increased 1,067,838 dollars, or about 27 per cent.

Towards the latter part of the year, the bank began to experience a pressure. On the 1st October, the Government, having then in bank a deposite of 9,513,434 dollars, advertised its intention to pay off six millions of the public debt on the first of the succeeding January. The bank, on the 7th of that month, issued a circular, requesting all their branches to "throw, as early as possible, a large amount of available means into our hands in Philadelphia and New York."

During the balance of the year, the bank was steadily urging this policy on its various branches; and yet, during the months of October, November, and December, the discounts of the institution were extended about three millions of dollars.

We have seen that, as early as the 24th December, the bank anticipated that it would not have the use of any considerable amount of Government deposites during the year 1832; and, on the 20th and 21st January, so informed many of its branches. In a letter to the Savannah branch, on the 19th January, it is asserted, that "the state of the money market, combined with the demands of the public creditors," "occasion more pressure upon our resources than is comfortable." In a letter to the Richmond branch, of the same date, it is stated, that "the new orders of the Treasury to pay about one and three-quarter millions to the public creditors on the 1st day of April, renders it desirable that New York and Philadelphia, where nine-tenths of that amount is to be redeemed, should continue to be reinforced." In the letters of the 20th and 21st January, to the branches at Cincinnati, Louisville, Pittsburg, Natchez, Mobile, and Nashville, they are urged to restrict their business, to convert their accommodation loans into domestic bills, to send on reinforcements, and strengthen the principal bank. Throughout the month of February, the branches were urged not to extend, but to curtail their discounts; and those in the West were directed so to shape their business, as to throw into the New Orleans branch the means of aiding the principal bank. A letter to the Nashville branch, dated 14th February, 1832, thus concludes: "I take it for granted that, as the season advances, you will have shortened the terms of your bills on New Orleans, so as to throw into the hands of Mr. Jaudon, (the cashier of that branch,) the means of giving us, in the course of the present half year, those large reinforcements which we shall certainly require from him."

Nevertheless, the business of the bank continued to extend. The aggregate debt due to it was, as we have seen,

In December, 1831, - - -	$63,026,452
And in January, 1832, it was, - -	66,293,707
February, - - - -	67,970,407
March, - - - - -	68,971,777
And in May, - - - -	70,428,070

There was an increase, in about five months, of more than seven millions, notwithstanding the effort made at curtailment. The aggregate increase in the debt of the bank from October, 1831, to May, 1832, was 10,326,698 dollars, and the aggregate increase in the valley of the Mississippi, was 10,346,824 dollars.

So far, therefore, from deriving "reinforcements" from the Western branches, which was so strenuously urged, the institution had become further embarrassed by the extension of their business, while the other branches, taken in the aggregate, were nearly stationary.

The increased and increasing debt in the West, cutting off all supplies from that quarter, was, of itself, sufficient to alarm the bank, and induce it to look to some other resource for the means of meeting the payments of the

public debt, expected to be required during the year 1832. It had loaned out the public deposite chiefly in the West, and in March it must have been evident, from the returns received from the branches, that no hope existed of collecting it again by the 1st of July, October, or even January, 1833. Hence, we think, proceeded the resolution of the 13th March, and the immediate negotiation with Mr. Ludlow, not for a postponement until the next October or January, but for a whole year, or longer. Hence, also, the application of the president of the bank to the Government to postpone the proposed payment of six millions, from July to October. That he did not consider this delay as sufficient for the purposes of the bank, is proved by the continuance of the negotiation with Mr. Ludlow, and by General Cadwalader's mission to Europe.

That this was the motive that actuated the directory of the bank in adopting the resolution of the 13th March, and influenced the president in his subsequent application to the Government, is made apparent by the testimony of directors, taken by this committee.

Mr. Willing testifies that, "with regard to the payment in July, in consequence of the pressure on the Western branches, and the difficulty of withdrawing funds from that source, it was desirable to postpone that payment to the 1st October."

Mr. Eyre, on being asked whether there was a heavy pressure on the merchants indebted to the Government, from March, 1832, to January, 1833, replied, "I think the pressure was not so heavy on the East as on the West, and forbearing to take from the West enabled them to pay to the East, &c."

Mr. Sullivan states, in relation to the causes of the mission to Europe, &c. "my impression is, that the postponement was induced by the extended situation of the affairs of the bank, and by the difficulty of collecting the funds, or of reducing the discounts so as to meet the contemplated payment."

In relation to the alleged pressure in Philadelphia, he says: "The greatest pressure, in my opinion, was felt by that class of merchants who do a credit business to the Western and other States. It continued during the spring and part of the summer."

Mr. Lippincott says: "One of the reasons why that pressure [on those who purchased from the importers] took place, was, that when the bank learned that the Government intended to make so large a payment of the public debt, the bank refused, in some measure, to discount the paper of the Western merchants, not deeming it proper to increase the debt in that section, but, on the contrary, deemed it best to draw the moneys from the West to the Atlantic cities to meet the payment directed by the Government, the certificates of debt being generally presented for payment in those cities."

From the facts thus established by the accounts of the bank, and the testimony of the directors, it appears that the reason of the board for desiring to postpone the payment of a portion of the public debt, which led to the adoption of the resolution of the 13th March, 1832, and the negotiations instituted under color of its authority, was the extension of the business of the bank, and its inability to collect the public moneys, which it had loaned out to the community, in time to meet the demand of the Government.

The first movement towards postponement was made, as we have already seen, in March, 1832, and must have been predicated on the view then taken of the condition and prospects of the bank. Let us see what it had to provide for, what was its condition at that time, and how far it has acquired the means, out of its own resources, to meet the demands of the Government upon it, for the payments of the public debt down to January, 1833.

On the 1st of March, 1832, of the amount set apart by the Government for the payment of the public debt prior to that time, which had not been applied by the bank, was standing on its books, under the head of

Redemption of public debt - -	$857,613
The treasurer's deposite on that day was -	6,520,137
	$7,377,750
As the payment on the 1st of January last took the whole public deposite, with the exception of - - - - -	730,217
It is evident that the bank had to provide for refunding the balance of the foregoing sum out of its own means, viz. - - -	6,647,533

The resources from which the bank could legitimately derive the means of paying this sum, were, as stated in the minutes of the bank under date of 27th July last, "its means employed on loans to the community," and its other property. Those sources were, on the 1st of March, 1832, as follows, viz.

Bills discounted, and domestic bills of exchange - - - - -	$68,971,777
Foreign bills of exchange - - -	91,238
Due from State banks - - -	3,752,822
Real estate - - - - -	2,131,359
Mortgages - - - - -	89,873
Notes of State banks - - -	2,836,900
	$77,873,669

On the 1st of January last, there were outstanding, under these heads, the following amounts, viz.

Bills discounted, and domestic exchange - - -	$61,695,913	
Foreign bills of exchange -	83,392	
Due from State banks -	3,688,143	
Real estate - - -	1,855,169	
Mortgages - - -	57,919	
Notes of State banks -	2,291,655	
		69,672,191
Showing collections from these sources of		$8,201,478

Upon these collections, however, there have been the following demands, viz.

Reduction of notes in circulation - - -	$2,584,844	
Reduction of balances due to State banks - -	508,379	
Reduction of individual deposites - - -	1,297,082	
Extinguishment of debt due Barings, &c. - -	1,876,802	
		6,267,107
Leaves - - - -		$1,934,371

By this sum, and no more, was the bank more able to pay over its public deposite on the 1st of January last, than it was on the 1st of March, 1832. The amount it had to provide for, out of its own resources, was $6,647,533
It has provided from those resources only 1,933,371

Leaving unprovided for - - $4,714,162

That this would be the probable effect of all his exertions at curtailment, was doubtless evident to the president of the bank when the proceedings of March, 1832, were instituted. He did not feel safe without a postponement, until a later period, of a portion of those payments which he expected the Government would require during that year. Hence arose his proposition to the board of the 13th of March, their resolution of that day, his negotiation with Mr. Ludlow, and the mission to Europe. Learning, about the 1st of October, that his object was attained, and that the bank would not, in consequence of

the arrangement with the Barings, be called on for five millions of dollars of the three per cents., until October, 1833, he recommended a relaxation of the policy of the bank, and stopped the curtailments which had for some time been in progress. An examination of its accounts now shows that there was a deficiency in its collection, on the 1st of January, nearly equal to the amount postponed in Europe.

How, then, has the bank made up this deficiency, and escaped the embarrassments which were apprehended in March and July, and provided against by the arrangement with the Barings, which became known to it about the 1st of October?

It has not, in fact, paid the public debt. We have seen by the correspondence with the Barings, that more than 1,400,000 dollars has been arranged in Europe, so as to postpone the payment until October, 1833, which sum will probably be increased to more than 2,000,000 dollars. It had on hand, on the 1st instant, 5,163,075 dollars, to the credit of redemption of the public debt, not yet applied. Why it is that the public creditors have not presented their certificates for payment, we have no proof. As the interest to be paid by the Government ceased on the 1st of January, it is singular, if the fact be so, that they should let the funds remain in bank without receiving some consideration for their use. It is true, that Mr. Bevan says the reason, in his opinion, is because "the agents who had the certificates have no power of attorney to receive the money," and it may be because "the holders prefer to let the matter remain as it is, until a favorable opportunity offers of reinvesting the money," which he says "is the case with respect to a large sum of six per cents., which were due and payable four years ago, and are not called for to the present day." But the only reason here given, which is not a mere matter of opinion, is proved, by the last treasury report, to be entirely erroneous; for that report shows that the six per cents. have long since been paid.

On the 1st of the present month, the bank had not applied any portion of the means collected from its own resources to the payment of the public debt.

In March, 1832, it had, in deposite, the following sums of public money, viz:

Redemption of public debt - - -	$857,613
Treasurer's deposite - - - -	6,520,137
Deposites of public officers - - -	1,719,489
	$9,097,239

On the 1st of February instant, it had on hand—

Redemption of public debt	$5,163,075	
Treasurer's deposite -	2,735,555	
Deposites of public officers	1,522,068	
		9,520,698
More than in March, 1832, by		$433,459

The bank has, therefore, appropriated none of its means collected from its debtors since March, 1832, to the payment of the public debt, but has simply applied the public deposite which has since accumulated.

By the monthly statement of the 1st of January last, it appears that the amount of specie then on hand was greater than on the 1st of March, 1832, by - -	$2,152,004
Instead of a debt in Europe, as in March, the bank had a fund in Europe of -	3,106,833
Total - - -	$5,258,927

Whence came the means of raising this fund?

We have already seen that the curtailments of the bank have not been applied to the payment of the public debt. They have, therefore, been invested in specie, or in foreign bills - - - $1,933,371

The funds reserved in consequence of the arrangement with the public creditors in Europe, are - - - - 1,428,974

Total - - - $3,362,345

Here we have the means by which more than half this sum has been raised, but there is a deficiency of $1,896,582, for which we are wholly unable to account. The bank has not raised it in collections from its creditors, or sales of its property. It can be accounted for only by supposing that other debts, similar to that arising out of the arrangement in Europe, have been contracted, which are alike unknown to the board of directors and exchange committee, and do not appear in the accounts of the bank. In Mr. Willing's testimony, he stated that a bill on the Barings for a million of dollars had probably been paid for by a draft on New Orleans. While the purchased bill may constitute a part of the fund in the hands of the Barings, the draft on New Orleans may not have been presented and paid in such time as to enter into the same monthly statement, which would account for a million of dollars of this deficiency. It must be by some such transaction as this, or by some private loan or postponement of payment on account of public stocks, that this fund is created; for there is no other source, tha we can conceive of, from which it can have been derived.

From these facts it appears, that this increase of specie and fund in Europe, with the exception of less than two millions, is a show of fictitious strength, based on responsibilities incurred by the bank, or rather by its president, which are unknown to its managers, and do not appear in its accounts. The payment of these responsibilities, and of the balance of the public debt remaining unpaid, would leave the institution in a condition much worse than in March, 1832, viz.

Public debt due and unpaid on the 1st instant -	$5,163,075	
Deducting public debt due and unpaid in March, 1832 -	857,613	
		4,305,462
Funds acquired in Europe, and increase of specie since March, 1832 - -	5,258,927	
Deduct net proceeds of collections since that time -	1,933,371	
		3,325,556
		$7,631,018

It hence appears that the bank is in a worse condition, by seven and a half millions, than it was in March, 1832, when it is admitted on all hands to have been under pressure. The reason why a more severe pressure is not now felt is, because the bank has so arranged its affairs as to evade making the payments which were required by the Government.

The exchange committee, in their report, for the purpose of exhibiting the sound condition of the bank, set forth a statement of the situation of the institution from the monthly returns of January last. Although some of the liabilities of the bank are entirely omitted in this statement, and particularly the dividend amounting to $1,225,000, declared a few days after, yet it presents the bank in a condition no more favorable than in the most perilous moment of its existence. In proof of this assertion, we give, in parallel columns, the statement of the committee, and a statement of its situation on the 1st of April, 1819. The capital was the same at both periods: at the first period the loans had been reduced $7,760,793 in the preceding nine months; and, at the

latter period, they had been reduced $8,169,824 in the preceding ten months.

The claims against the Bank.

		1833.	1819.
Notes in circulation			$17,459,571	$6,829,690
The deposites, public and private			13,547,517	6,147,610
Due to the holders of funded debt, &c.			6,723,703	
The unclaimed dividends			76,529	
Due in Europe				876,648
			$37,807,322	$13,853,948
Its resources were—				
Specie			$8,951,847	$2,104,720
Notes of State banks	$2,291,655			
Due by State banks	$1,596,252			
			3,887,907	1,749,951
Funds in Europe, and foreign bills of exchange			3,190,225	
Real estate			3,036,241	
Debts due by individuals, viz.				
On notes discounted	43,626,870			
On domestic bills	18,069,043			
			61,695,913	33,480,025
Mortgages, &c.			103,330	
Funded debt				7,160,210
Totals			80,865,465	44,494,906
Bring down claims			37,807,322	13,853,948
			43,058,143	30,640,958

The committee say "this sum of $43,058,143 forms a guarantee to the holders of the notes of the bank, and to its depositors, over and above the whole amount of their claims."

So this sum of $30,640,958, formed in April, 1819, a guarantee to the holders of the notes of the bank, and to its depositors, over and above the whole amount of their claims.

The "guarantee" now exceeds the claims only $5,250,821, but in 1819 it exceeded the claims $16,787,010. Who, then, upon the evidence of figures, would doubt the entire solvency and safety of the bank, in April, 1819? Yet Mr. Cheves, the president of the bank, on the 6th day of the very month in which this very favorable statement was made, in a letter to Mr. Crawford, Secretary of the Treasury, holds the following language; viz. "The very critical situation of the bank, which is becoming more so every hour, the great interests, both public and private, involved in its fate, and the intimate connexion it has with your department, I hope will be a sufficient apology for the frequency of my communications."

And Mr. Crawford, in a letter to Mr. Cheves, of the same date, observes, "it is even doubtful whether it is practicable, with all the exertions which it is in its power to make, to continue specie payments during the year."

Mr. Cheves, in his exposition to the stockholders, in 1822, adverting to the condition of the bank, about the 12th of that month, says: "All the resources of the bank would not have sustained it in this course and mode of business another month—such was the prostrate state of the bank of the nation, which had only twenty-seven months commenced business, with an untrammelled capital of twenty-eight millions of dollars."

It hence appears, that the bank may be very strong in figures, and very weak in fact. The embarrassments in 1819 arose from the fact that it could not collect its outstanding debts in time to meet demands against it; and this was the precise cause of the measures taken to postpone the payment of the public debt in 1832.

The managers of the bank, who had created the debt in 1819, were, undoubtedly, just as confident of its soundness, and of the solvency of the institution, as are the present directors of the enormous debt they have created within the last two years.

But events showed that the directors of that day were mistaken, and they may prove, with equal certainty, that those of the present day labor under a like mistake. Our confidence in their opinion is the less, from the fact so clearly established, that they have been kept wholly uninformed as to the negotiations of last year vitally affecting the action of the bank, and that they do not now know of a heavy debt in Europe recently contracted with the holders of the United States three per cent. stocks, and other private arrangements, which give the bank that show of strength which is so confidently exhibited in their report.

In relation to the Western debt, as well as the general situation of the institution, the evidence of the directors composing the exchange committee must be considered as subject to explanation. If they know very little of the important operations resulting in a heavy debt in Europe, which were specially intrusted to them by the board during the last year, it is not to be expected that they can know more of the general concerns of the institution, and especially of the condition of the Western debt. Indeed, it appears from their own statement, that all their knowledge on the subject is derived from the opinions of others, of the very cashiers and directors who have created the debt. Being parties concerned, their opinions should be received with the proper allowance.

The committee of exchange put down Kentucky, Ohio, Tennessee, and Missouri, as the Western States, and represent the sum due to the bank in those States, on the first of January last, at $13,465,506. By the monthly statement upon which this representation is based, the outstanding claims of the bank, including real estate in those States, appear to be $16,605,142, exceeding the representation of the committee by more than three millions.

They proceed to say: "The proofs of the general security of this debt are confirmed by a single circumstance which seems entirely decisive; which is, the actual payment of such a portion of it as was required from the debtors." They then set forth the reductions of local loans in those States during certain periods, amounting to $3,532,104 93, as an illustration of their meaning. As the whole debt is made up of local loans and bills of exchange, any statement which shows the reduction in one only, without comprehending the other, is obviously deceptive. Such a statement the committee have given us: for instance, their representation of the debt of the Louisville branch is as follows, viz.

At Louisville, on the 2d February, 1832,	
The loans were	$2,682,629 50
On the 12th January, 1833, they were only	2,078,906 19
A diminution of	$603,723 31

We have no statements of the latter dates here given, but from Mr. Toland's report, and the monthly statement for January last, we find the real condition of the debt due at that branch to have been as follows, at the dates annexed, viz.

Debt at Louisville, 2d of February, 1832, viz.	
Notes discounted	$2,682,629 50
Domestic bills	1,267,281 49
Total debt	$3,949,910 99

Debt at Louisville, 13th of December, 1832, viz.	
Notes discounted - - -	$2,169,823 29
Domestic bills - - -	1,969,411 48
Total debt - -	$4,139,234 77
Actual increase of debt -	$189,323, 78

Instead of any diminution of the debt at that branch, there was a considerable increase. The debt had changed its character, but was not paid. Those who had notes under discount were pressed for payment, and took up their notes with the bills of exchange discounted by the bank. This is the kind of payment which the committee of exchange think "entirely decisive of the general security of this debt." It appears to us much more like the state of things in 1819, represented by Mr. Cheves to the meeting of the stockholders in 1822, in the following words, viz. "The Western offices curtailed their discounted paper, but they purchased what were called race horse bills, to a greater amount than their curtailment."

There is a single fact which must, in every mind which has turned its attention to banking operations, cast a doubt over the soundness of the Western debt. It is the enormous increase of that debt within the last few years. In the whole valley of the Mississippi, the amounts due the bank at the times stated, were as follows, viz.

January, 1829, - - -	$11,075,603
1830, - - -	18,708,230
1831, - - -	23,279,938
1832, - - -	31,285,861
May, 1832, - - -	37,506,388

The debt of the Western country was thus more than tripled in a little more than three years, and more than doubled in fifteen months; the bank had thrown two and a half millions more than its whole capital into that section of the Union. It is impossible, in the nature of things, that such a sudden and enormous increase of credit in the west should not have led to overtrading, embarrassment, and ultimate bankruptcy, among those who were anticipating wealth from the use of this fictitious capital.

In October, 1831, the bank made an effort to check its branches; and in January following, instructed them to curtail their business. Notwithstanding all its urgency, there was added to the debt in the valley, from October, 1831, to May, 1832, $10,346,824. In March, 1832, as we learn from the testimony of the directors, the Western branches were severely pressed, and to give them relief, measures were adopted to postpone the payment of the public debt. From the month of May, there appears to have been a moderate curtailment in that quarter at some branches, and an increase at others, producing, on the whole, a considerable reduction. But all the exertions of the bank have not effected a reduction to the standard of October, 1831, when the attempt commenced. The debts then were $27,159,564. On the 1st of January last, they were $30,494,028.

They are, therefore, three millions more than when the first attempt was made to prevent the further expansion of the business of those branches. If, as is proved, the Western branches were embarrassed in March, 1832, while they were extending their loans, it would be remarkable if their debtors should be in a better condition during a season of curtailment. If they could not collect, so as to aid the principal bank, in March, when the general credit was good, it would be singular if they could do so in November or December, when that credit must be somewhat shaken by a general retrenchment. Accordingly, during the latter part of the season, the Western branches have scarcely been able to collect the means of sustaining themselves. To one branch, such was the imminence of its danger, the principal bank sent out a considerable sum in specie to save it. At other branches they have been obliged to take domestic bills, at long dates, in payment for paper sent to them by the principal bank, and other branches, for collection. The proof of the first assertion is found in the testimony of Mr. Lippincott, and the latter appears by letters from the cashiers at Louisville and Nashville. The cashier at Louisville, under date of 18th of November, says, "your letter of 10th instant contains views and suggestions in relation to our business, which do not surprise me. In truth, the increase of our domestic bills induced me to expect such a letter as you have written. We have been, and still are, in a situation of peculiar delicacy, and believing it to be not only the desire, but the interest of the bank to sustain all houses which are supposed to be solvent, we have found it difficult to attain that object without, for a time, exceeding the point where it would seem prudent otherwise to stop.

"A large proportion of our bills were purchased to enable the parties to meet their obligations sent here for collection. The amount of such collections has been at least four millions of dollars in the past year, of which about one-half came from the Bank of the United States, and the office at New Orleans. There is still upwards of a million of paper now in the office for collection, principally on account of the bank and its branches, which, with our gradual, but regular curtailment of discounts, will, for some time to come, absorb all the means the country can command. We do not hope, therefore, to make any material diminution of our business for several months: it may probably, for a time, be a little increased.

"We have looked with great solicitude on the situation of this country, and the deep stake the bank has in its welfare. Encouraged by the excessive importations at the East, our merchants have been induced to purchase more largely than their own means, or the necessity of the country required. Hence the embarrassment which now exists, and for which nothing but the indulgence of the bank, and one full year's products of the country can relieve them."

The cashier of the Nashville branch, under date of 21st of September, writes—"The unexampled scarcity of money, in both Alabama and this State, and our refraining from doing business wherein money is to be advanced on either note or bill, has compelled us to discount safe bills, at six months, to enable debtors to the Orleans and other offices to meet the paper deposited with us for collection. In this way have all the bills been paid which were remitted to us for collection from the Orleans and other Western offices, since the month of June last. This course of business has, of course, deprived us of 5 to $600,000 of our funds at Orleans, which was intended for the parent bank, but which we had to reserve in that office to meet the bills thus remitted for collection."

Here is conclusive proof that the branch at Louisville was in a critical situation as late as November last; that it could not make collections; that, to save its debtors from immediate bankruptcy, it was even obliged to extend its loans; and that, as well as the branch at Nashville, it was obliged to take bills of exchange in payment of paper sent to it by the principal bank, and other branches for collection. These collections the cashier states at four millions of dollars, and the Nashville branch was even obliged to draw upon and absorb a fund of 5 or 600,000 dollars which it had accumulated at New Orleans for the principal bank. Is it possible that a debt which cannot be collected, or even reduced, can be considered sound?

That the condition of most of the other Western branches is but little better is very probable. A letter from the cashier of the Cincinnati branch, dated 21st November, says "at present it appears to be impossible" to reduce their discounts.

This committee called for the correspondence with se-

veral of the Western branches for the months of August, September, October, and November last; but at so late a period that it was not received in time to be referred to in this report. It will doubless throw much additional light on the subject.

When we consider the great extension of debt in the West, the difficulties of collection preceding March last, the steps to which the bank was driven by the want of funds from that quarter, the impossibility of collecting them at a recent period, the expedient of taking new bills in payment of old bills and notes discounted, all of which have come to light since the report of the Secretary of the Treasury in December, 1831, we do not think that the "ill opinion of the Western debt" expressed by him in his last annual report, ought to have been "unexpected."

To illustrate the management of some of the offices, and show how far the anticipations of the principal bank have been realized from them, we select that at Natchez, on the 4th February, 1832. The cashier of the principal bank wrote to the cashier of that branch as follows, viz.

"The bank is very desirous that you should not extend your line of bills discounted, and that even your operations in domestic exchange should, for the present, be confined within moderate limits, and, as far as possible, be restricted to bills at short terms; say sixty and ninety days; which, as respects your business with New Orleans, will furnish our office there with the means of giving us large reinforcements in the course of the present year."

The latest returns the principal bank could then have had from that branch were to the 12th January, 1832. On that day, the debt due was as follows, viz.

Notes discounted - - -	$901,997 18
Domestic bills - - - -	1,030,811 00
Total debt - -	$1,932,808 18

On the 1st January last, there was due to that branch as follows, viz.

Notes discounted - -	$1,462,958 86
Domestic bills - -	2,484,443 05
Total debt - -	$3,947,401 91

It thus appears that, instead of furnishing "reinforcements" for the principal bank to enable it to pay the public debt, this branch more than doubled its business in less than a year, employing two additional millions of the resources of the institution.

That the Bank of the United States has not the means of ultimately paying all its debts, no one will maintain. Whatever may have been its mismanagement, it is not to be apprehended that its bad debts are equal to its whole capital stock. But its ultimate solvency is not the question for the consideration of the Government. The point to be considered is whether it has been a prompt and faithful agent of the treasury; whether it has been able and willing to pay over the public funds deposited in it upon demand, for the purposes of the Government; and whether it is now, and is likely hereafter to be, in a condition to do so. On this point men may differ; but the facts disclosed in public documents, and the evidence taken by the committee, give it at least grounds for doubt. The great extension of its loans, particularly in the year 1831 and early in 1832, leave room to doubt whether it could collect its scattered means in time to meet any considerable demand of the Government on its large deposite.

The operations commenced in March last, with the view of postponing the payment of a portion of the public debt for a year or more, although the public deposite was likely to be ample for the purpose, indicate a consciousness on the part of the bank itself, that it would be at least inconvenient to meet the payments.

The fallacious reasons given for the resolution of 13th March, the application to the Government for a postponement from July to October, and for the subsequent arrangement with the Barings, leave room for the inference that the true reason was the weakness of the bank.

The letter of General Cadwalader, communicating the substance of his agreement with the Barings, was received as early as the 1st October, and the president of the bank then knew that the Barings were to purchase stock on account of the bank, in violation of its charter. Instead of promptly disvowing the arrangement, or any part of it, he recommended and procured a change in the policy of the bank in consequence of the information. The whole affair was then a secret from the Government, from the directors, and, it is probable, most of it from the members of the exchange committee themselves. By the publication of the circular of the Barings, in the New York paper of the 11th and 12th of October, the first information was obtained by all parties of this negotiation, and on the 15th of that month the President of the bank disavowed it. The report of the exchange committee mentions the change of policy upon receiving General Cadwalader's letter, and says: "but when the contract itself reached the bank, on the 12th October, and it appeared from the communications of Messrs. Baring, Brothers & Co., to be contemplated that the stock was to be purchased on account of the bank," it was immediately disavowed. And to convey the impression that General Cadwalader's letter of the 22d August, 1832, did not give the same information, an extract from its appended, in which he says, "I have drawn up a contract accordingly, of which I do not send you a copy," &c., omitting that part of the same letter which stated precisely what the contract was. Devices of this sort afford reasons to infer, that the disavowal of the contract, more than two weeks after the policy of the bank had been shaped with a view to its execution, than from its violation of the charter. Nor can the mind but doubt the safety of an institution which resorts to such means to conceal the true reasons of its own acts.

In the facts that General Cadwalader's mission and its results were entirely concealed from the board of directors, and that the president, after receiving it, induced the board to change the policy of the whole institution, by urging upon them other reasons than those which influenced him, showing that the entire machinery of the bank is moved by motives unknown to its managers, is good ground to distrust the safety of the institution.

It is well established that the most important business of the bank is done by committees, who, as the president himself states, keep no minutes of their proceedings, although they may involve negotiations for millions, affecting the credit and solvency of the institution, and seldom report until all the good or mischief their acts tend to produce has fallen upon the bank, the Government, and the country. In this there is ground to doubt as to the proper management and ultimate safety of the institution.

When the president of the bank not only induces the board to act for reasons unknown to themselves, but conceals even from the committees acts done in their names, something stronger than doubt almost seizes on the mind. When to the consideration that the committees know little of the proceedings had in their names, is added the fact that every Government director is excluded from every committee, the Government at least has grounds to doubt whether its interests are safe in such keeping. When a show of the strength of the bank is made, consisting of sums in specie and amounts in exchange, while the debts secretly contracted, which have enabled the bank to accumulate these funds, are concealed even from those who make the exhibition, there is just ground to

doubt whether there be soundness in the institution, or proper precaution and responsibility in its management. When, in stating the claims against the bank on the 1st of January, the exchange committee wholly omit the dividend of 1,225,000 dollars, which was payable in a few days, say nothing of the increasing suspended debt which, in September, 1831, excluding the amount charged to the contingent fund, amounted to $4,398,305 66, of which the president then estimated $1,851,034 42 to be bad, and make statements palpably deceptive in relation to the Western debt, they are the strongest reasons for distrusting the reports made by the bank, and doubting the soundness of its condition.

Nor is it calculated to lessen the doubt, that, in their report, by extracts of such of the letters from the cashier of the New York branch as suit the purpose, they attempt to show that there had been an extension of accommodations at that branch in the month of March, 1832, to a large amount, when, in fact, as the weekly statements show, there was a regular curtailment from week to week, during the whole month, amounting in all to about $180,000.

Nor will it make a more favorable impression, that, in the same report, they convey the idea that, subsequent to the 1st October, 1832, that branch had rendered essential service to the merchants who were debtors to the Government by extended accommodations, when, in fact, after having reduced their loans 1,008,302, during the week commencing September 26, and ending October 3, as appears by the statement appended by Mr. Eyre to his testimony, they made a further curtailment during that and the next succeeding month, of more than 600,000 dollars; although, according to their own statement, "the month of October was regarded as a month of great embarrassment," and there were payable to the branch during the two months, from the said banks, 1,920,000 dollars; on account of notes discounted and domestic bills, 7,084,000 dollars; and for revenue to the Government 3,225,277; making, in all, 12,229,277 dollars.

Nor does the bank recommend itself to our confidence by claiming credit for "concentrating the scattered fragments of revenue at the points of disbursement," when, of 22,828,224 dollars of public debt required to be paid, the amount payable at Boston, New York, Philadelphia, and Baltimore, from the 1st of January, 1832, to the 1st January, 1833, was 20,458,748 dollars, and the amount of public revenue received at those points from 1st October, 1831, to the 1st January, 1833, was 31,814,857 dollars.

There is ground to doubt the entire safety of the funds in the bank, when the committee of exchange, or the president of the bank, without the knowledge or consent of the board of directors, send envoys abroad on special missions, fix their compensation, and cause it to be paid, and make arrangements requiring heavy sums in commissions and interest, from the funds of the bank, to carry them into execution.

The Government at least has ground to doubt every thing which is favorable to the bank, when attempts are made, without reason or plausible pretence, to throw upon the Secretary of the Treasury the responsibility of its own secret, unauthorized, and illegal acts, charging him with the absurdity of using the bank to defeat his own views, and postpone the payment of that debt which he was most anxious to extinguish.

To solve all these just doubts would require time and means which were not at the disposition of this committee. On essential points the testimony of witnesses called before them is imperfect. Nothing short of a personal, impartial, and thorough examination of the books and affairs of the principal bank, and many of its branches, can develope its policy and management, the security of its debt, and the soundness of its condition.

Time is not left for the further action of Congress with a view to more perfect information at the present session. Whether existing facts are sufficient to justify the Executive in taking any step against the bank, authorized by the charter, is a matter for the decision of the proper officers, acting upon their own views and responsibility, an opinion by Congress can make it neither more nor less their duty to act. Whatever, therefore, the opinions of the members of this committee might be as to the justice or policy of any Executive action, they deem it unauthorized and improper to express them officially.

Resolved, That the committee be discharged from the further consideration of the subject.

All which is submitted.

JAMES K. POLK.
M. ALEXANDER,
NATHAN GAITHER,
A minority of the Committee of Ways and Means.

Report of the Minority on the subject of Bank of the United States.

HOUSE OF REPRESENTATIVES, *March* 2, 1832.

Mr. POLK, from the minority of the Committee of Ways and Means, made the following supplemental report:

Since the body of the former report submitted by the minority of the Committee of Ways and Means was drawn up, the correspondence with the Western offices which had been called for, has been received, and they ask to submit the following additional report in confirmation of the views already submitted in relation to the Western debt. It is to be observed, as stated in the former report, that the exchange committee in their report state, that "as soon as it was known that the agent had arrived in England, and that an arrangement of some kind would be accomplished, no time was lost in communicating to the board the fact, that the preparations of the bank were such as to make it practicable to secure the usuual facilities to the community. The subject was therefore immediately brought to the view of the board in the manner stated in the following extract from the minutes." These minutes are dated "Bank of the United States, September 21, 1832," and conclude with authorizing the committee on the offices "to modify the instructions under which the officers of the bank have been acting, at such points, and in such manner as they may deem most conducive to the interests of the bank." "Instructions were addressed to such of the Western officers as would most sensibly feel the restrictions authorizing them to resume the purchase of domestic exchange, and draw checks on the bank."

As the information that "an arrangement of some kind would be accomplished" in England, did not reach the exchange committee before the 1st October, it was difficult to perceive how it could have had any influence in producing the proceedings on the 21st. It now appears by the correspondence with the Western branches, that they were not produced by that cause, but by an apprehension for the safety of the Lexington office, which the other offices in that quarter were called upon to sustain.

On the 11th September, as appears by the correspondence, the cashier of the Lexington branch wrote to the principal bank as follows, viz. "The disposition by organized concert, to make a run for specie, seems to increase. Since the 28th May, we have paid out about 23,000 dollars, and in the last seven days 6,200 dollars." "We have been apprised of calls that will be made for about 25,000 dollars, which we are looking for every hour," &c. On the 18th September the cashier of the principal bank wrote to the Lexington branch as follows, viz. "Your letter of the 11th instant, to the late acting cashier, has been received, and we have in consequence to despatch by the mail to-morrow two of our clerks, Samuel Mason, jun. and Edward Wheeler, with fifty thousand dollars in

the United States gold coin for your office. This sum, we trust, will put you quite at your ease, at least until you can receive a supply of dollars from New Orleans. In addition to the other offices to which you have written for aid, that at Cincinnati may be resorted to."

On the 14th September the cashier at Lexington wrote that the demand upon them still continued.

On the 21st, the day on which the proceeding before adverted to took place, the president of the principal bank wrote to the Lexington branch as follows, viz.

BANK UNITED STATES,
September 21, 1832.

DEAR SIR: I received this morning your letter of the 14th instant, and in consequence have requested the cashier to send immediately an additional sum of 60,000 dollars in gold, which, with the previous remittance of 50,000 dollars, and the aids which I hope you will have received before this time from some of the neighboring offices, will place you at your ease. If from day to day as we hear from you, there should seem to be a necessity for a greater supply, it will be forwarded to you, meanwhile you will take care of course to keep out of the way of any large demands by confining your receipts to the paper of your own office; and keeping your business within safe limits.

Very respectfully, yours,
N. BIDDLE, *President.*

In addition to these 110,000 dollars, 10,000 dollars more are furnished from Louisville, 30,000 dollars from St. Louis, 25,000 dollars from Natchez, and 110,000 from New Orleans, making in all 275,000 dollars.

This is sufficient, without the aid of the news of the arrangement in Europe, which could not have been received until more than a week afterward, to account for the proceedings of the 21st September, and the instructions sent to those western branches which were expected to sustain the branch at Lexington.

In relation to the condition of the Western debt, involving the safety of the institution, the correspondence with the Western branches affords evidence, not before the committee when their former report was drawn up, and which goes strongly to confirm the opinions therein expressed.

To Mr. Bevan the following question was propounded, viz. Of the amount of domestic bills of exchange reported in the monthly statements of the year 1832, do you believe any considerable proportion to be of the character of accommodation paper to be renewed by drawing and redrawing between the bank and its branches, or between the several branches? Answer. If any, it must be a very limited amount, because the directors discountenanced and refused, when they knew it to be such, and I presume the same course to be followed in the branches, which have instructions from the mother bank to guard against that description of paper.

Mr. Eyre was asked, Is there any amount of the bills of exchange discounted or purchased by the bank, which consists of accommodation paper produced by drawing and redrawing? Answer. I know of none; such paper is not countenanced by the bank.

To Mr. Lippincott the following was propounded: Of the amount of domestic bills of exchange reported in the monthly statements of the years 1831-'2, do you believe any considerable proportion to be of the character of accommodation paper to be renewed by drawing and redrawing between the bank and the branches, or between the several branches? Answer. I do not recollect of any.

Mr. Lippincott was also asked: Have the directors of the bank the means of detecting any habitual practice of drawing and redrawing just referred to, if it should exist between the branches when carried to any extent? Answer. They have, by means of the periodical returns of the branches to the mother bank of the business done at those branches respectively.

Of Mr. Eyre and Mr. Bevan, similar questions were asked, who, each gave similar replies.

The preceding testimony of the two members of the exchange committee, one of whom was also chairman of the committee on the offices, is before the House, and we take the following extract from their report, viz.

"In further illustration of the character of the Western debts, the returns show that the total amount of domestic bills of exchange, purchased at the Western offices from the 1st of July, 1831, to the 31st of December, 1832, is $16,397,094 93

On which the amount protested and unpaid is - - - - 13,863 36
Of which the estimate of probable loss is 1,500 00

But as some portion of this may be still running to maturity, and its fate undecided, it should be remarked that the whole of this estimated loss of 1,500 dollars, arose out of the purchases during the year ending on the 1st of July, 1832,

Which amounted to - - - $10,137,722 22
On which the total amount protested and remaining unpaid, is only - - 13,863 36
The total losses only - - - 1,500 00

"The cause of a loss so little proportioned to the amount of the investment is to be found in the fact, that the exchange transactions of the Western States grow out of the actual business, the actual shipments of the produce to the place of its exportation, furnishing to the bank the triple security, of the personal responsibility of the shipper, the property which he exports; and again, the personal liability of the merchant who receives it at the place of exportation. As an illustration of this, the following statement of the exchange operations of the bank at Nashville, may furnish an interesting example.

1831. Oct. $366,512 63. When the few bills remaining out of draughts on shipments of the previous crop, had not yet run to maturity.

1831. Dec. 1,062,094, 84. When the shipment of the new crop had commenced, and the planters and ginners had begun to draw on their correspondents.

1832. April, 2,759,754 93. When the crop may be considered to have all been shipped and drawn upon, and of course the amount of bills at the highest point.

1832. Oct. 503,234 90. When the bills drawn upon the shipments of the last crop had mostly matured.

1833. Jan. 9, 2,049,612 02. The shipments of the present crop having progressed to some extent, the amount of bills is naturally swelled in proportion."

The branch which the exchange committee had selected to show the sound condition of this debt, we select to show its actual condition. On the 10th day of November last, the following letter was addressed to the president of the Nashville branch, viz.

BANK OF THE UNITED STATES,
November 20, 1832.

DEAR SIR: You will receive, through the cashier's department, notice of the appointments of G. W. Gibbs and H. M. Rutledge, Esqrs. as members of your board. These gentlemen have long been known to us by reputation, and I am sure will make useful and agreeable associates in the administration of the office.

Allow me to ask your attention to my letter of the

27th of July last, in which I communicated the wish of the board, that you would abstain from the purchase of domestic bills, except in reduction of pre-existing debts to the bank. At the period when my letter reached you, your account of domestic bills was about 500,000 dollars. Your statement of the 24th ultimo, the latest which has reached us, shows that amount to be upwards of one million of dollars, being an increase of more than 500,000 dollars, and making an actual purchase of bills to the amount of 800,000 dollars since the middle of August. We are aware that many bills have returned upon the office, which it was necessary to take up by redrafts. But still the amount exceeds much what had been anticipated by the board, and now that this source of demand must have ceased, I cannot too strongly invite your attention to the instructions contained in my letter of the 27th July, as the receipt of your notes occasioned by the purchase may become very inconvenient to the bank. As the season advances, too, it would be desirable to shorten the term of all the bills which you are under the necessity of purchasing, to a period not exceeding four months.

Very respectfully, yours,

N. BIDDLE, *President.*

JOSIAH NICHOL, Esq.
President's Office, Discount and Deposite,
Nashville, Tennessee.

By this letter it will be perceived that it was known to the bank at Philadelphia, that many bills had returned upon the Nashville office, which it was necessary to take up by redrafts. This letter called out an explanation from the president of the Nashville branch, dated 22d November, which was followed by ahother, dated the 24th. A note at the end of the first, says,

"We will not be able to get the debts due this office paid; indeed, if any, it will be a small part; the means are not in the country."

In other respects, the contents of the two are almost precisely alike, and we here give that of the 24th entire, viz.

OFFICE BANK UNITED STATES,
Nashville 24th Nov. 1832.

DEAR SIR: On the 22d instant, I did myself the pleasure of acknowledging the receipt of yours of the 10th instant, but as the mail was just about closing when I wrote, perhaps it did not explain to your satisfaction the reasons why our domestic bill account was so large; but, my dear sir, when you are informed of the debts that those bills are intended to liquidate, you will be of the opinion that we have not exceeded very far in that respect. The parent bank, and the offices at New York, Baltimore, Washington, Richmond, Pittsburg, Cincinnati, Louisville, and Lexington, have been, and still continue in the practice of discounting bills and notes made payable at this office, and forwarding them for collection. This has been done this season to, I would say, three times the amount of any previous year; and, to add to our difficulties last season, we had a very short crop of cotton, so that our own drafts predicated on the crop and payable at New Orleans, could not be paid out of the crop; in consequence of which, drafts to a very large amount have been drawn by the commission merchants of New Orleans on their funds here, and made payable at this office. These drafts cannot be met, when due, at this office, by the payment of cash, on account of its scarcity, and no other means could be resorted to but drafts again on New Orleans, which our directors thought right to purchase. Supposing that your letter of the 27th of July permitted or authorized the protesting of paper discounted at the parent bank and offices, as it would, if sent back, have occasioned a great many failures, if all, or a large portion of the above notes and drafts had been sent back under protest to the bank at Philadelphia, New York, Baltimore, Washington, Richmond, Pittsburg, Cincinnati, Louisville, Lexington, and New Orleans, which would have been the case had we not pursued the above plan; and bills payable six months after date is as short a time as ought to be taken, if we wished to serve all parties, as you will be apprized that those bills must be paid, if at all, out of the new crop, and only a very small part can be in cash before May or June. Be assured, sir, that we are as well convinced as you are that too many bills are offered and purchased, amounting to more than the present crop of cotton and tobacco will pay; I mean before all those papers are taken up. I am certain that one-half of the collection paper sent here since August for payment has not been taken up as yet. Our cashier will make a statement to you showing how it stands.

As far as we have yet purchased bills this season, it was to protect and pay the above collection notes and bills. Cash we have not given for bills except small balances, might be over after taking up the paper intended. I am also satisfied that adding our cash purchases and bills we received for our own notes discounted (together) since the 1st April last, would not amount, in the whole, to more than 150,000 dollars, so that, if we had erred, it was to save the parent bank and offices. Your letter of the 10th instant was this day laid before the dircetors requesting an answer to the several points of it. A committee of three have been appointed to draft such answer, it will be forwarded to you when made up.

Very respectfully,

JOSIAH NICHOL, *President.*

N. BIDDLE, Esq.

This was followed on the 26th by the promised explanation of the cashier, which was of the same import. We content ourselves with taking the following extract, viz.

"The following exhibits the amount collected here for the parent bank and offices from the 1st September last to this date, which, with small exceptions, have been paid through our bill operations, viz.

Bank United States - - -	$147,473
Office, New York - - -	31,365
Baltimore - - -	7,607
Washington - - -	2,460
Richmond - - -	42,112
Fayetteville - - -	276
New Orleans - - -	746,893
Natchez - - -	3,150
St. Louis - - -	722
Louisville - - -	51,595
Lexington - - -	24,902
Cincinnati - - -	10,001
Pittsburg - - -	28,521
Boston - - - -	350
	$1,097,427

"In Alabama we have about 30,000 dollars loaned in eleven notes, 20,000 dollars of which will be turned into bills when they mature. All are of the first character for safety. There are some thousands of dollars of bills from New Orleans and other offices yet to mature, which can only be met through our bill operations."

The subject was submitted to the board of directors of the branch, who adopted, unanimously, the following resolution, viz.

"*Resolved*, That for the very satisfactory reasons assigned in the letters of the president and cashier of this office, addressed to the president and cashier of the parent bank, one dated the 22d of November, 1832, the other the 26th of November, 1832, that the board recommend it to the parent board to permit this office to continue its purchases of domestic bills at six month's date until the 1st day of March next."

Notwithstanding the confidence of the directors of the parent bank, that little or none of the debt based on domestic bills of exchange was in the nature of accommodation paper, to be renewed by drawing and redrawing, we have here conclusive proof that nearly the entire debt to the Nashville branch is precisely of that description. Some of it, as the president of the branch admits, had already been drawn for three times, and he anticipates that it will again come back from New Orleans. By the monthly statements of the 1st of November and the 1st of December, it appears that the whole amount of domestic bills at Nashville, on the 17th of October, was 895,228 dollars and 30 cents, and on the 7th of November, 1,245,510 dollars. The cashier states that nearly the whole purchases made in September, October, and November, amounting to 1,097,427 dollars, were redrafts, and he says there are some thousands of dollars of bills from New Orleans and the offices which can be met only in the same way. The president of the branch, in his letter of the 24th, says that the bills already offered and purchased were more than the present crop of cotton and tobacco will pay. Yet, as the committee of exchange state, the amount of these bills had increased on the 9th of January, 1833, to 2,449,612 dollars and 92 cents. From the statements of the cashier and president of the bank, there cannot be a doubt that a large amount of this whole debt is redrafts!

We have here the reason why there are so few protests in the West.

It is with all this evidence in the Bank, that the committee of exchange inform us "the exchange transactions of the Western States grow out of the actual business, the actual shipments of produce to the place of exportation," &c. and give us an illustration of the small amount of bills at the Nashville branch in October, 1831 and 1832, and the large amounts in December, 1831, April, 1832, and January, 1833. If they had examined this evidence, they would have seen that the reason of all this is, that, at the periods of the lowest depression, the racers were at the other end of the course. The bills at New Orleans at the times stated were as follows, viz.

1831, Nov. 4th	- -	$1,766,828 68
1832, June 25th	- -	7,031,968 07
Nov. 2d	- -	2,501,840 58

In the fall and first part of the winter they start from Nashville and other Western offices to New Orleans, and in the spring and early part of the summer they start back again. As the amount sinks in Nashville, it rises in New Orleans; and as it sinks in New Orleans it rises in Nashville. The bills on New Orleans discounted last September, October, and November, were at six months, so that they will be falling due in March, April, and May next, at which time the bill account at New Orleans will rise and that at Nashville sink. Bills on Nashville will be discounted to pay the bills from Nashville, and again those bills will be paid by new bills on New Orleans.

There is no reason to suppose that the bill business at the other Western branches is any better than at Nashville. That it is no better at Louisville, is shown by the letter of the cashier of that branch, written in November last, and already adverted to in the body of this report. The whole amount of domestic bills under discount in the valley of the Mississippi in November last, as shown by the monthly statements at the close of that month, was 10,112,106 dollars and 37 cents. Upon the supposition that it is all in the same condition as the bill debt at Nashville, at least seven out of the ten millions is secured by paper called race horse bills, which is running from branch to branch, waiting for crops to be raised to meet them, and running the drawers with interest, exchange, commission for endorsement and acceptance, and other expenses.

In our opinion no system of banking operations could be invented, more desolating and fatal to the trading and planting community of the West, than this extension of bank credits and overtrading in domestic exchange.

The facts now disclosed throw additional light upon the other branch of the Western debt. To a great extent the same parties which are engaged in this extensive business of drawing and redrawing, are undoubtedly principals and securities in the notes discounted. From the letters of the cashiers at Cincinnati, Louisville, and Nashville, it appears to be as difficult to collect this debt as that based upon bills.

It is proper that we should add, in conclusion, that we cannot suppose the directors called before us, or the exchange committee in their report, could have been fully apprised of the facts disclosed in this correspondence, which is herewith submitted.

Message from the President of the United States, transmitting a report from the Secretary of State, upon the subject of the diplomatic intercourse of the United States with foreign nations, February 7, 1833.

To the House of Representatives:

I transmit, for the consideration of Congress, a report from the Secretary of State on the subject of our diplomatic intercourse with foreign nations.

ANDREW JACKSON.

Washington, *February* 7, 1833.

Department of State,
Washington, January 31, 1833.

To the President of the United States:

Sir: The general superintendence of our foreign relations, which, under your direction, is vested in the head of the State Department, would seem to require that he should, at proper periods, bring to your view the state of our diplomatic intercourse with other nations, and suggest the measures which occur to him for making its agency more effectual.

That agency employed (necessarily perhaps) by European powers, in forming or defeating political combinations, and in a vigilant observation of each other's plans and operations, with us, has different objects. Remote from these scenes of political jealousy and strife, strong in our own resources, and giving no umbrage by intermeddling in the affairs of other nations; we want no alliances for our defence, nor do we fear that any will be formed which it will be our interest to defeat; and thus have no motive for entering into the vortex of European diplomacy. Ours has a distinct character. Its only objects are, the preservation of peace; the extension, to other powers, of a mutually beneficial commerce; the promotion of a friendly interchange of good offices; and the establishment, by treaty, of principles which may render wars less frequent, and disarm them, when they must occur, of many unnecessary horrors, inconsistent with the manners and feelings of the age in which we live.

Confined, however, to these objects, this branch of the Executive functions of our Government would seem to be sufficiently important; but all who have observed its operations must be convinced, that its utility is not sufficiently appreciated, and that it is even regarded with an unreasonable jealousy. Ministers are considered as favorites, selected to enjoy the pleasures of foreign travel at the expense of the people; their places as sinecures; and their residence abroad as a continued scene of luxurious enjoyment.

Their exertions, their embarrassments, their laborious intercourse with the Governments to which they are sent, their anxious care to avoid any thing that might, on the one hand, give just cause of offence, or to neglect or abandon the rights of their country or its citizens on the other, are all unknown at home. Even the merit of

their correspondence, from which, at least, the reward of honor might be derived, is hid in the archives of the department, and rarely sees the light, and, except in the instances of a successful negotiation for claims, a minister returns to his country, after years of the most laborious exertion of the highest talent, with an injured, if not a broken fortune, his countrymen ignorant of his exertions, and undervaluing them, perhaps, if known. On the whole, there is scarcely an office, of which the duties, properly performed, are more arduous, more responsible, and less fairly appreciated, than that of minister to a country with which we have important commercial relations. Yet there is some reason to believe that appointments to them are sometimes eagerly sought from the same false ideas of the nature of the employment. To these mistaken ideas, more or less prevalent, may be traced many of the evils which have operated and still operate injuriously upon the interests and reputation of the country.

It is the main object of this report to point out these evils, and to suggest the means of correcting them, for the consideration of those who can alone apply the remedy.

In doing this, the first inquiry will naturally be, whether during our rapid increase in population, in extent of territory, and, above all, in commerce, a sufficient attention has been paid to the extension of our diplomatic relations, which is called for not only by these circumstances, but by the changes which are taking place in almost every quarter of the globe. Natural causes, obvious to the most superficial observer, and the habits which they have produced, formed by time into a national character, have made us essentially a commercial and navigating people. But commerce and navigation both require the protecting arm of the Government abroad as well as at home. That protection can only be effectually given by agents residing in the country where navigation carries our commerce. Where we have treaties, vigilant officers must be ready to see they are faithfully executed. False constructions, injurious to our trade, may be made by the foreign power itself; subordinate agents may violate the spirit of our treaties by improper exactions, by injurious discriminations, by petty vexations, and all the variety of impositions to which an unprotected foreigner is liable; and thus either drive our merchants from trade otherwise lucrative, or, if they carry it on under these disadvantages, lessen its profits. If these evils arise in commercial pursuits, under the guarantee of treaties, they must, evidently, be much greater where we have none. What is to be inferred from this plain statement, too obviously true to be doubted? The plain conclusion, that wherever we have a commerce worth preserving, we must have agents to protect it. What are to be the attributes of these agents, will form another branch of this inquiry. At present we must examine where our diplomatic agencies are located, and whether their number is commensurate with objects which are required to be attained.

To begin with Europe. We have in that quarter of the globe, four missions that are usually filled with ministers plenipotentiary and envoys extraordinary; these reside at the courts of France, England, Russia, and Spain; and six others, in which we are represented by chargé d'affaires, the lowest grade of diplomatic agents. These last are accredited at the courts of Stockholm, Copenhagen, the Hague, Brussels, Lisbon, and Constantinople. With Austria, Prussia, Bavaria, Saxony, the other members of the Germanic Confederation, the Hansetowns, Switzerland, Sardinia, the Papal Dominions, Naples, and the rest of Italy, and Greece, we have now no diplomatic relations whatever; and, with most of them, have never had any. Yet, with many of these powers, we have important, and with all an increasing commerce. Whether it may be proper to establish diplomatic relations with any, and which of these countries, it is not the purpose of this report to show. It may not be improper, however, to bring to view the fact, that these countries in which we are thus unrepresented, in which our merchants must trust for protection to the inefficient representations of consuls, or to their own, where we have none, contain an aggregate population of seventy-five millions five hundred and twenty-five thousand; most of them industrious inhabitants of some of the finest countries in the world. It is, however, believed, that by a judicious distribution of our foreign missions, two additional ministers plenipotentiary, and two or three ministers of a lower grade, would be sufficient for the representation of our interests in Europe.

In Africa we have three consuls with small salaries and diplomatic powers. They reside in Tunis, Tripoli, and Tangiers, in the empire of Morocco. Should the Pacha of Egypt establish his independence, another would be useful at Alexandria.

In America, we have one minister plenipotentiary in New Grenada, shortly to be replaced by a chargé d'affairs; and five ministers of this last rank in Mexico, Central America, Peru, Chili, and Brazil; Buenos Ayres being now vacant. Should these States, which lately constituted the Republic of Colombia continue separted, a mission to Venezuela will be indispensable, as well for the superintendence of the actual commerce, as for the settlement of claims upon that part of the late Republic of Colombia, by our citizens, for illegal captures and other demands.

The whole ordinary annual expense of our foreign relations for the last three years, has been two hundred thousand three hundred and ninety-three dollars, ten cents; and the foreign commerce which it has superintended abroad, in export and import, averages during the same period more than one hundred and seventy-two millions, independent of the freight and the capital represented by nine hundred seventy-three thousand and forty-three tons of shipping, which cannot be calculated at less than fifty-eight millions; making a total of more than two hundred and thirty millions; so that the cost of our foreign missions is less than one-eleventh of one per cent. on the amount of capital placed under its protection—a much more moderate rate of compensation than is paid in any other branch of our Government.

This, however, is the least important view of the subject.

A minister to a foreign power, whatever may be his grade, is the accredited agent of his country. If he is forced, from the inadequate compensation that is allowed him, to live in a manner that will not allow him to associate on an equal footing with others of the same grade, he is deprived of many of the advantages which social intercourse affords, to perform essential duties, and to gain important imformation, which can only be obtained by mixing in the first circles. It is not expected, nor should I recommend, that his allowance should be such as to enable him to vie, in expense of living, with the ministers of monarchs, who allow extravagant salaries, and who, themselves, have large fortunes, which they expend in addition to their official allowance; but he ought to have the means of returning civilities which he receives; of giving to his countrymen a plain hospitable reception when they visit the place of his residence; and, above all, he ought to have an allowance that will enable him to meet the expenses absolutely necessary for the due performance of his official duties, without trenching on his salary so much as to render it entirely incompetent to his necessary and decent support. A chargé d'affaires receives four thousand five hundred dollars salary. He cannot go to court without a carriage, the yearly expense of which is, no where, less than one-fourth of his salary. To make the remainder meet the absolute expense of his living, he must live in a hotel or boarding house. His

archives must go with him; for he cannot out of his pittance afford to hire an office. The consequence is that the important papers of his mission must be kept in a tavern; and are liable to all accidents which are inevitable from the nature of such places of deposite, and from frequent removals. No allowance is made to him for clerk hire; and, where his despatches ought to be full they are improperly abridged; where they ought to be in duplicate and triplicate, a single copy is sent, which fre quently miscarries. When they should be in cypher they are written out, and are liable to the examination of those through whose hands they pass; and no record is kept of important papers, copies of which ought to be kept; and all this because he has not the means of employing a person of confidence to transcribe his papers. This evil, and it will always exist while our foreign missions are on their present establishment, has been productive of consequences more injurious to our foreign relations than could be supposed by any one unacquainted with the fact. Very soon after my coming into office, I had occasion in my instructions to some of our foreign ministers, to refer to former despatches, or to papers which had formerly been sent; but, to my great surprise, I found that in some instances, no records had been kept; in others they were imperfect; and in none complete. So that a minister on his arrival can discover but very scanty knowledge of what his predecessor has done; and, in some instances, has been under the mortifying necessity of applying to the foreign office of the country to which he is sent for information that ought to have been placed in the archives of his legislation. Frequent removals from one hotel or lodging house to another or other accidents, had occasioned the loss of books and documents with which former ministers had been supplied.* So that the archives of most of our legations exhibit only "a beggarly account of empty boxes;" and it has happened, even in the short time during which I have filled the office, that negotiations of much importance have been delayed until by a protracted correspondence, it has been discovered that documents indispensable to its progress, and which ought to have been with the legation were wanting, and were to be supplied again from the department. To remedy his evil as far as lay in my power, in future, supplemental general instructions were sent to all our ministers, a copy of which is hereunto annexed, marked A.

If these should be obeyed, as I trust they will, it can only be at a considerable expense for clerk hire, office rent, and stationery, to be deducted from salaries scarcely adequate to a bare decent subsistence.

The want of a fixed place for doing business, and of a clerk always to be found in it, to receive and answer applications when the minister is unavoidably absent, is the more important, because of the nature of the affairs he has to transact. They are either with his countrymen, whose business will not admit of delay, or with the functionaries of the Government to which he is sent; the most subordinate of which would pay very little respect to a minister who had neither an office to receive them in, nor a clerk to answer their inquiries. At home, the head of every subordinate bureau attached to any of the departments, has an office, and a messenger, and clerks, and fire, and stationery, and lights, and every convenience for carrying on the business entrusted to him. This is as it should be. But, to represent the dignity of the country, and, on a scanty salary, to transact its most important concerns abroad, we send a man whom we provide with none of these necessaries for the transaction of his business; we force him to do all the drudgery of the office with his own hands, and either to live in some obscure place, where his countrymen blush to find him fixed, when, after some difficulty, they have discovered his tavern residence; or, at the expense of his own fortune, to provide what is necessary for the interest and dignity of the Government. The usual answer to these representations is, that, notwithstanding all these inconveniences, candidates are always found eagerly seeking these appointments. But it must be remarked that these candidates are of two kinds. First, men of wealth, who are willing to purchase the honor of the station at the expense of their private fortunes. But, although these are not always the fittest, in other respects, for the place, they are sometimes selected, and their appointment is popular, because there seems to be no objection to a minister's keeping up a decent appearance, provided he does it at his own expense. Secondly, there are others who seek these appointments, because they make false calculations on the consequences. They resolve to be very economical, to live within their income, and to be drawn into no extravagance. But, on arriving at their place of destination, they find that expenses which might, with prudence, have been avoided here, are inevitable abroad. Civilities are received which must be returned; strangers are introduced who must be entertained; their countrymen call upon them, and must be treated hospitably. In short, they find themselves obliged to live as others do, or to forego all the advantages which social intercourse would give them in the business of their mission. The consequence is, that all our ministers return with impaired fortunes, however firm their resolutions have been to avoid unnecessary expense. It is possible there may be exceptions; but they are certainly very rare. If, then, none of the ministers we have sent abroad, however prudent, have been able to live for the salaries that are allowed them, the conclusion is inevitable, that the salaries ought to be increased, or the ministers should be recalled. If the mission is useful it ought to be supported at the public, not at private expense; and the representatives of a great nation ought not to be obliged to employ, in devising parsimonious expedients for their support, that time and those talents which ought to be occupied in the service of their country.

The salary of a minister plenipotentiary, in the early part of our revolution, was two thousand five hundred pounds sterling, equal to eleven thousand one hundred dollars, besides which, they had, in some instances, an allowance for house rent. The embarrassed state of our finances at a subsequent period, induced Congress to reduce the salaries of our diplomatic agents to the present parsimonious scale. How adequate this is to the purpose designed, may be judged by the representations in the annexed paper, marked B, taken from the despatches of our most distinguished ministers; no one of whom can be supposed capable of misrepresenting facts, even where their interest was concerned. But, if any doubts should be entertained on the subject, they will be removed by conversing with any one of our ministers who have returned, and have now no motive for exaggerating the difficulties they experienced from a scanty income while they were abroad. Some of these facts, and some of the evils they produce, have been frequently brought to the notice of Congress, but as they have hitherto produced no alteration in the system, it is respectful to suppose that there is some good reason to prevnnt the obvious remedy, by a small increase of salary. But the serious evil arising from the want of a fixed place to keep the records of our legations abroad, and the disgraceful state of imperfection in which they are kept, from the want of an allowance for clerk hire, have never, it is believed, been officially stated to the Legislature.

The inconvenience is every day felt. The minister abroad is ignorant of what his predecessors have done. A prodigious expense for extra clerk hire is called for at the department, for the copying of such of the documents

* See supplement marked C.

as are found there, to send to the minister when the occasion calls for them. He is obliged to grope his way through the mutilated documents he finds in the archives of his legation, before he finds what is wanting, and he is then forced to send to the department to know whether they are found there; and, after all this delay, he, perhaps, finds himself so straitened in his circumstances, as to ask a recall before he can make himself master of the several subjects committed to his charge. Another minister succeeds; another outfit must be given, and, in the end, false economy in this, as well as in other cases, defeats its own end.

Taking it, however, from past decisions, that no increase of salary will be given, I respectfully suggest, as a remedy for the evils I have stated, that every diplomatic agent be obliged, by law, to keep regular books for the recording of all the business appertaining to his mission, in such form as has been directed by the Department of State, and that, for this purpose, a reasonable allowance be made in the settlement of his account, for house rent, stationery, and clerk hire; and that provision be also made, by law, to defray the expense of copying all documents and correspondence in the Department of State which are necessary for completing the archives of the several legations abroad. Without these provisions, our foreign relations can never be carried on with any regularity; with them, your ministers may live, with strict economy, without material injury to their fortunes; they will be enabled to comply with the instructions given them for the preservation and regular record of their papers; their correspondence with the department will be regularly kept up; and a minister succeeding another within a short time, may have a complete knowledge of all that has been done by his predecessor, and what remains to be done by him. Instructions from the department will be less voluminous, because they will contain references, only, to documents, instead of being burdened with copies, sometimes of great bulk; and, in short, some of the first duties of the office, which are now omitted, will be performed, because there will be no excuse for neglecting them.

If these allowances should be directed to be made, it will require an additional annual expenditure in the fund for missions abroad, for our present establishment, of about thirty-six thousand dollars; and, in addition to the advantages which will be purchased at this comparatively trifling expense, there will be one of no small advantage in a national point of view. Young men of education will gladly attach themselves to the several missions, in the character of private secretaries, for the moderate allowance which the minister, by this arrangement, will be enabled to give; they will acquire habits, knowledge, and talents, which will fit them to serve their country in the higher ranks of diplomacy, according to their merits.

It is probable, sir, that some of the opinions expressed in this report may not merit your sanction. They are the result of my best reflection on some of the most important functions of the department you have committed to my care; and I should deem myself wanting in duty if I did not bring them to your notice, and request that they might be submitted to Congress, whose wisdom will determine the consideration, if any, to which they are entitled.

All which is respectfully submitted.

EDW. LIVINGSTON.

A.—*Circular supplemental to the personal instructions to the ministers, &c. of the United States abroad.*

DEPARTMENT OF STATE,
Washington, 24th February, 1832.

SIR: The direction contained in your personal instructions which relates to the archives of your mission, was introduced to avoid a great evil which that direction has hitherto only partially removed. Neither the instructions given to a diplomatic agent by his Government, nor the official letters he receives, nor the records of his answers, and of other transactions relating to his office, are his private property; they are to be kept subject to the order of the department to which his office is attached. The public interest, and the convenience of official intercourse with our agents in a foreign country, require that every minister who succeeds to a mission should know accurately the directions that have been given by the Government to his predecessors, and what they have done; what communications they have received from other sources, and what answers they have given. It was, therefore, made a standing direction to all our diplomatic agents, to preserve the archives of their mission with the utmost care, that they might be delivered to their successors, either immediately, or by means of such persons as might be ordered to receive them until the successor should arrive. It has been observed, with regret, at the department, that these directions have been, in many instances, but imperfectly executed, and in others totally disregarded.

It is, therefore, that, by the President's direction, I call your attention to the subject by this communication, which, being addressed without any exception to each of our ministers abroad, is not to be considered as implying a charge against any one in particular, but is intended to secure a more strict compliance with the instructions of the department, and to render them more explicit, and the compliance with them, in the several missions, more uniform.

1. On the arrival of any minister at the place of his destination, at his first leisure he is to examine the archives of the legation; if an inventory has been left by his predecessor, he is to verify it with the person from whom he received it, by comparing the archives with the inventory, and to acknowledge, by his signature, the receipt of the several articles contained in the inventory, or of such as are found, noting those which are wanting, and adding those found in the archives which are not contained in the inventory.

If no inventory has been left, he must proceed to make one, and verify it in the manner above described.

This inventory, in both cases, to be fairly written and copied; one copy to be sent to the department, and the other kept in the archives of the legation.

If a preceding inventory has been sent to the department, the continuation of it only need be sent; but, in all cases where no such inventory has been sent, it must be done without delay, in order to enable us to supply deficiences, as far as it can be done, from the materials to be found here, it being the intention of the President that the archives of each legation shall be made complete, and that henceforth they shall be kept so, on the responsibility of the minister or agent in whose charge they may, for the time being, be placed.

2. Every instruction or letter from the department; every written communication addressed to the minister from any other source, is to be carefully filed, endorsed with a short note of the contents, and an index formed of the contents of each bundle, package, or box, in which they are contained.

3. Proper books are to be procured in which every official paper of the legation, without exception, is to be fairly copied and indexed. This is to include, as well protocols of conferences, notes of official conversrtions, and every memorandum necessary to the full understanding of the history of his mission, as copies of his correspondence.

4. Great care is to be taken to furnish the department with copies of all official notes or letters received, as well as of the answers given; to note all conversations with

men in office, having any material bearing on the relations of the country to which you are sent, with the United States, and which you think it important that your Government should be informed of; to make these notes as soon after the conversations occur as possible, and to send copies in your next despatches. Whenever such notes, or any other communication you make, would have an injurious effect, if intercepted, either on the interest of the country or individual feelings, it is recommended to you to use the cypher with which you are furnished.

5. Your attention is particularly called to that part of your personal instructions which requires you to furnish statistical information for the purpose of intimating that, at this period, tables of export and import, and tonnage, both foreign and domestic; the rates of duties, and every other information relating to the commerce and navigation of the country to which you are accredited, will be particularly acceptable to the department, together with any interesting publications on those subjects.

I am, with great respect,
Your obedient servant,
EDW. LIVINGSTON.

B.

Statement in relation to the inadequacy of the salaries of our ministers abroad.

ENGLAND.

Mr. Adams to Mr. Jay.

"London, *December 15th*, 1785.

"In this state of things I must be cautious. I am not able to pay the scribes like an exchequer; nor to promise them pay or promotion like an opposition. And, indeed, paragraphs in our favor seem only to provoke ten inventions against us. Something might be done in time, however, by mixing in conversation, and explaining or contradicting the grossest and worst abuses. But this can be done, in these countries, only by the civilities of the table, and by a liberal hospitality, in which we are much straitened. House rent, furniture, carriage, and a certain number of servants, with the daily expenses of living, which cannot be avoided, without becoming the scorn of the world, and without being insulted by every footman and porter, consume all, and more than all, our allowance.

"I feel for the circumstances of my country as much as any man in it, but I am sure those circumstances will not be mended by extreme parsimony in the support of her servants and negotiators in Europe. When your ministers are seen to take rank of nobles and bishops at St. James', who spend many thousands a year, and are observed to live at home and appear abroad, with what is called "la plus infame economie," which is the expression every day in vogue, you will find that neither you nor they will be considered as of any consequence. Your ministers abroad must keep a table for the entertainment of strangers who are presented at court, and consequently to them, to return the civilities that are shown them by foreign ministers, and by people of high rank in the country. They ought to keep a table, at times, for the entertainment of men of letters and eminence in arts and sciences, by which they might remove the prejudices of the world against their country and themselves, and attract some attention and good will to both. How far any of these things are in our power to do, I cheerfully submit to the consideration of Congress; being determined to do every thing in my power, with the means I have, and to be happy, myself, whether I make a little figure or a great one.

"With great esteem, &c.
"JOHN ADAMS.

"His Excellency John Jay,
Secretary of State."

Mr. John Quincy Adams to the Secretary of State.

"London, 31*st July*, 1815.

"It is needless to say to you, or to any person having been in the same capacity here, that the annual salary of an American minister is insufficient to support a man with a family—I say not in the style of high official rank, but in the decency becoming a private gentleman."

From the same. 30*th September*, 1816.

"An experience of the expense of living here, for upwards of four months, even under all the privation to which I have submitted, has confirmed me in the desire to be recalled as early in the spring as the President may find it convenient to replace me, if, upon the construction of the law, the Legislature should refuse an appropriation for the outfit."

General remarks by Mr. McLane, late Minister to Great Britain, and now Secretary of the Treasury.

"The salaries of the public ministers abroad must be acknowledged to be utterly inadequate, either for the dignity of the office, or the necessary comfort of their families. At some foreign courts, and those whose relations towards the United States are the most important, the expenses incident to the station are found so burdensome, as only to be met by the private resources of the minister. The tendency of this is to throw those high trusts altogether into the hands of the rich, which is certainly not according to the genius of our system. Such a provision for public ministers as would obviate these evils, and enable the minister to perform the common duties of hospitality to his countrymen, and promote social intercourse between the citizens of both nations, would not only elevate the character of his country, but essentially improve its public relations." (Report of the Secretary of the Treasury of 7th December, 1831.)

FRANCE.

Benjamin Franklin, in a letter to Mr. Barclay, complains that it is attempted to deduct 500 pounds from 2,500, which he received annually, the whole of which was absolutely necessary to support the style of living which he had to adopt. (Letter dated 19th June, 1785. Dip. Correspondence, vol. 4, p. 218)

James Monroe, in a letter dated 17th December, 1810, to the Auditor, says,

"The reason in favor of an increase of the salaries of our ministers abroad, are as strong as for an increase of that of those at home, if not much stronger; and there is one reason of great force, which is peculiarly applicable to the former. The spirit of our Government, and the manners of our people, not only authorise, but inculcate economy at home in the expenditure of our public functionaries; but that indulgence cannot be enjoyed by those abroad, however consonant it may be to their habits and inclinations, or necessary to their circumstances."

CHILI.

John Hamm, chargé d'affaires, says that he cannot discharge, properly, the duties of his office, without the allowance of an interpreter or secretary. (Despatch of 20th June, 1831.)

BUENOS AYRES.

F. Baylies, chargé d'affaires, has employed a translator, and requests the allowance of his salary. (Despatch of 30th June, 1832.) In the same letter he observes, "I hope your discretionary power is sufficient to remunerate this expense, for I already foresee that my annual allowance will be insufficient here, even for the very moderate establishment on which I have placed myself."

BELGIUM.

Hugh Legaré, chargé d'affaires, asks the allowances of clerk hire and house rent for an office; and says, "I would take the liberty of remarking here, that without an allowance of the kind, the situation of a chargé d'affaires, by no means, as I know from experience, desirable in itself, becomes, in the last degree, irksome and disagreeable. I think the Executive ought to press it upon the consideration of Congress, that it is far from being an advantage, in any point of view, to the American people, to send its representatives abroad with inadequate compensation, as it is to expose them to perpetual mortification, and to make their whole life a painful struggle to reconcile inevitable expenses with necessary, however sordid, parsimony." (Despatch No. 3, dated 17th October, 1832.)

FRANCE.

Thomas Jefferson to Colonel Monroe, dated

PARIS, *17th June*, 1785.

"I thank you for your attention to my outfit; for the articles of household furniture, clothes, and carriage. I have already paid twenty-eight thousand livres, and have still more to pay. For the greatest part of this, I have been obliged to anticipate my salary; from which, however, I shall never be able to repay it. I find that, by a rigid economy, bordering, however, on meanness, I can save, perhaps, five hundred livres a month, at least in the summer. The residue goes for expenses, so much of course and of necessity, that I cannot avoid them, without abandoning all respect for my public character. Yet I will pray you to touch this string, which I know to be a tender one with Congress, with the utmost delicacy. I had rather be ruined in my fortune than in their esteem. If they allow me half a year's salary as an outfit, I can get through my debts in time. If they raise the salary to what it was, (2,500 pounds,) or even pay our house rent and taxes, I can live with more decency." (Diplomatic Correspondence.)

SPAIN.

Mr. Everett, minister, claims office rent.

ENGLAND.

In a letter from Mr. Adams to Mr. Jay, he says, in relation to his appointment as minister to England, "there is a certain appearance, in proportion to rank, which all the courts of Europe make a serious point of exacting from every body who is presented to them.

"I need not say to you, sir, because you know it perfectly, that American ministers have never yet been able to make this appearance at court; they are now less able to do it than ever. I lament this necessity of consuming the labor of my fellow citizens, upon such objects, as much as any man living; but I am sure that the debasing your ministers, so much below their rank, will, one day, have consequences of much more importance to the husbtndman, artisan, and even laborer."

RUSSIA.

H. Middleton, in a letter to the Secretary of State, dated 18th July, 1826, says, that "his pecuniary circumstances will not admit his continuing much longer at a court where so much representation is necessary." In the same letter, he alludes to the necessity of his appearance at Moscow, at the coronation of the Emperor and Empress, upon which occasion he asks to be authorized to charge the expenses, &c.

In despatch No. 85, dated 11th May, 1829, he says, in relation to a particular ceremony at court: "An invitation of this sort being equivalent to an order, under pain of displeasure, I feel well satisfied to have been exempted from a duty for which the pecuniary means at my disposal are totally inadequate."

C.

Statement of the deficiency in the records, papers, and books of our ministers abroad.

ENGLAND.

[Sent by Aaron Vail, chargé d'affaires.]

The earliest book of records of the correspondence from this legation seems to be that commencing on 1st August, 1826, under Mr. Gallatin. They are continued up to the present time. From this it would appear that the proceedings of the different missions to England, from the first mission to the 1st of August, 1826, are not recorded in the legation.

The instructions from the Department of State to the legation, on file there, commence with those addressed to Mr. Barbour. Instructions numbered 1, 3, 5, from 9 to 31 inclusive, to Mr. McLane, are not in the legation.

The despatches from the Department of State prior to Mr. Barbour's mission, [1828,] do not appear to be on file.

FRANCE.

[Sent by Mr. Rives, late minister.]

The record of despatches from the legation commences in March, 1810; all previous to this date are missing.

In relation to the despatches received by the legation from the Department of State, Mr. Rives says: "No regular record (excepting a portion of those received by Mr. Crawford) or a file of despatches from the Department of State, has been kept by any of my predecessors; and if it is desirable to complete the archives of this legation, in this respect, an entire series of despatches from the Department of State should be furnished from the first mission to France down to the 20th July, 1829." (Mr. Rives's despatch, No. 130.)

RUSSIA.

[Sent by Mr. J. Randolph Clay and Mr. Buchanan.]

None of the records or despatches, previous to Mr. Middleton's mission (1823,) seem to be on file. With respect to the objects in the legation, Mr. Clay says:

"No record, no account, or voucher of any kind, in short, the seal made under Mr. Middleton's orders, and the sorry trunk containing it, constitute the whole property of the United States, in what is dignified by the title of chancery of the American legation at St. Petersburgh.

DENMARK.

Mr. Wheaton says in his despatch of the 8th December, 1832:

"I have the honor to acknowledge receipt of despatch No. 16, under date of the 20th September last, from the acting Secretary of State. In reply, I beg leave to state that no archives of this legation existed previous to my arrival here, in the year 1827; nor was there then a single paper, book, or document belonging to the Government, except those I brought with me. The proper archives of the legation have been carefully preserved in two books, one of which contains all the official communications from the department to the mission, and the other its correspondence, both with the department and with this Government, so arranged as to be more conveniently referred to, and read, than if filed in bundles or *dossiers*, in the usual manner.

"Inclosed is a detailed list or inventory of the archives now belonging to this mission."

ARMY—ENLISTMENT OF MINORS, &c.

House of Representatives, *December* 17, 1832.

Head Quarters of the Army,
Washington, February, 1832.

Sir: Agreeably to the request contained in your letter of the 24th of January, I have the honor of stating here below, my opinion of the expediency and practicability of carrying into effect the resolution of the House of Representatives, of the 3d of January, referred to the Committee on Military Affairs, on motion of Mr. Ward.

"1st. Of enlisting into the army, minors, from the ages of sixteen to seventeen, by and with the consent of their parents or guardians, to serve for the period of four years.

"2d. Of establishing schools at such military posts, garrisoned exclusively by the troops so enlisted, for the purpose of teaching such branches of education as will fit and prepare the soldiers for situations of usefulness in life, and of reducing their monthly pay in the ratio of two dollars for every five dollars now paid.

"3d. Of retaining the whiskey portion of the ration, to be paid either in money, military equipments, or in some suitable badge of honor.

"4th. Of exempting all such non-commissioned officers and privates, who shall have served for the period of four years, from militia duty, except in cases of war, invasion, or other public emergency; and that the committee inquire how far such enlistments and provisions may tend to destroy or lessen the evil of frequent desertion."

With regard to the several propositions contained in the resolution, I have to remark, that I am of the opinion that lads of the proposed age, who might be enlisted into the service with the consent of their parents, in time of peace, would, generally, in all probability, be of a character not suited for the public service; that none but idle, profligate, and incorrigible lads, who could not be controlled by their parents or guardians, would be permitted to be enlisted; and should such be enlisted, there would be no probability of improving them, as they would come with confirmed habits of idleness; and our discipline is too mild to expect a reformation of them through its means. I would prefer that the ages of the boys should be much younger, and would propose not less than twelve, nor more than thirteen years, and the term of enlistment to be twelve years, or until they should, respectively, have attained the age of twenty-five years. At such a tender age, the boys might be instructed in the art of reading and writing the English language correctly; and, as they advanced, they should be taught the principles of mathematics, as far as to enable them to apply them to all common calculations, and to practical geometry, for civil and military purposes. I would also propose that they should be instructed in all the various handicrafts, which might be useful to the service in their capacity as soldiers, and which might enable them, after leaving the service, to provide for themselves a decent support. In a word, I would cause them to be instructed after the manner of the cadets at West Point, only beginning at the very rudiments of instruction in every thing to be taught. They should be neatly and well dressed as soldiers, drilled every day in military exercises, and made to perform all the duties of soldiers and non-commissioned officers. For which purpose, I would propose that one of the forts best situated should be made the school; and, after the experiment is fairly tested, if successful, that other schools should be established at other suitable places. For instance, let us begin the experiment at Fort Monroe, in the Chesapeake, where there are all the accommodations necessary for the purpose. Let there be enlisted five hundred boys, of the age above mentioned, and for the term specified; these boys to receive, for the first three years, three dollars a month, with suitable clothing and rations; then, for two years, the full pay of a soldier; after that, to be promoted to be corporals, and, when eighteen years of age, to be formed into companies; the most expert soldiers, and the best in regard to conduct, to be made sergeants. Then send all, except two companies, to relieve such companies as are in other garrisons, so as to relieve a whole garrison at a time, that there may be none of the old soldiers at any of the posts occupied by the schooled soldiers. Fill up the school at Fort Monroe, until the whole of the artillery may be composed of the lads educated at that place, unless other schools should be established for the same purpose. In order to give encouragement to those who have attained the rank of corporal, they should, after serving three years as corporals, be promoted to the rank of sergeants, so that, eventually, the whole army would be composed of non-commissioned officers, who should perform the duties of privates and non-commissioned officers in rotation, except two in each company, who should be selected from the most deserving, to be sergeant major and quartermaster sergeant of the company, to whom, as a suitable encouragement, a higher pay should be allowed. I would, in like manner, provide for musicians, to be instructed according to the same rule, who should have the advantages of education, promotion, and increased pay. If the plan here proposed should be adopted, three points might be mentioned as suitable places for the schools, to wit: Fort Adams, in the harbor of Newport, Rhode Island; Fort Monroe, in the Chesapeake; and Jefferson Barracks, in Missouri. As a further encouragement to the troops so educated, I would recommend that the President be authorized to appoint to each military post, a post adjutant and post commissary, to be selected from the non-commissioned officers who may have served out their term. These post officers to have the rank, pay, and emoluments of second lieutenants, or of the lowest grade of commissioned officers that then might exist; and, thereafter, that all commissaries of posts be appointed from the non-commissioned officers who have performed their duty faithfully; and that, besides, to each battalion, there should be appointed a subadjutant, to be also a promotion for the non-commissioned officers; and that, after having attained these places, they shall respectively be considered as candidates for appointments of higher degree in the military establishment, should they continue to merit further advancement. No bounty should be offered for enlistments. The boys should be received, after a careful inspection as to health, size, and probable fitness for the duties to be encountered. The punishments should be small deductions from their pay, and confinement to quarters, &c., to be established by a fixed rule. Good conduct to authorize a restitution of the pay deducted, in proportion to amendment. No flogging, or other severe punishments should be allowed. The officers who have been educated at the military academy should be the instructors of the school, who should receive a small additional compensation in consideration of their services.

The advantages expected to result from the establishment of these schools, are, 1st. To render the rank and file of the army more respectable. 2d. To insure good officers and non-commissioned offiers for a large army, whenever it may be necessary to augment the military establishment. 3d. To disseminate practical military knowledge more generally throughout the republic; and, finally, to banish vice, and prevent desertion in the army. The soldier, should he think proper to retire from the service at the end of his first enlistment, will retire to his friends with a good education, with a knowledge of some useful trade, and will, in fact, be a valuable citizen wherever he may establish himself. Besides the advantages which would result to the regular forces, men thus educated for military purposes would, on retiring to their homes, be found to be a great acquisition to the militia of

their respective States, and therefore ought not to be exempted from duty in the militia as proposed.

The great difficulty in our country has been the obtaining of persons of the requisite character and intelligence to be non-commissioned officers. In time of war, that class of officers, well instructed, is indispensable to the efficiency of the service. They are so intimately connected with the soldiers, that on them, in a great measure, depend the moral character, health, comfort, discipline, and general efficiency of the rank and file. There are so many small, yet essential duties to be performed by non-commissioned officers, that unless they are well instructed and practised in them, no system can be pursued; and on the faithful execution of what is intrusted to them, the good of the service, in a great measure, rests. There will also be created, by this plan, a description of officers long wanted in our service, that is, persons of the requisite habits, intelligence, honesty, and carefulness—a kind of isolated staff officers; such, for instance, as post commissary, post adjutant, military storekeeper, keeper of magazines of powder and ammunition, keeper of arsenals in which arms are deposited for safe-keeping, or for immediate distribution and use. These men, from their habits and their knowledge of such things, would be the most fit persons to occupy such places; and the places would be so many rewards for, and inducements to, good conduct. Some scheme of this nature has been wanted, to give respectability to the rank and file of the regular army, to induce good men to enter it; and, finally, to secure to the public faithful and efficient officers, for keeping in a state of preservation the military supplies, vast quantities of which are constantly accumulating. When it shall be generally known that such advantages are offered to the faithful soldier, there will be no difficulty in filling our ranks, and I have no doubt that applications for admission into the schools of the army will be as pressingly made as they are now for filling the list of cadets at West Point. The advantages, though not in every respect equal, will, nevertheless, be considered of sufficient importance to claim the attention of many worthy, good people.

To present the whole subject in a more condensed and specific form, I beg leave to offer, herewith, the draught of a bill, which will exhibit more clearly the scheme in view.

I have the honor to be, sir,
Your most obedient humble servant,
ALEX. MACOMB, *Major General*
Commanding the Army.

To the Hon. Wm. Drayton,
Chairman Mil. Com. H. R.

A Bill to improve the condition of the rank and file of the army.

1. *Be it enacted, &c.*, That, whenever the President of the United States shall deem it expedient, it shall be lawful for him to cause to be enlisted into the army of the United States such number of boys as he may judge proper, whose age, when enlisted, shall not be less than twelve years, nor more than thirteen years, to serve until they respectively shall have attained the age of twenty-five, unless sooner discharged; provided the said boys shall be enlisted with their own free will, and with the written consent of their respective parents or guardians, if any such they have; and, if they have none, with the approbation of the proper authorities of the town, place, or city, in which such boys may respectively reside.

2. *Be it further enacted*, That the said boys, when so enlisted, shall be assembled at such military post or posts as the President may direct, where shall be established schools for their instruction in reading and writing the English language; in arithmetic, mathematics, and other proper branches of study; also, in the military arts and exercises, and in such handicraft trades as may be judged useful and proper.

3. *Be it further enacted*, That the said boys shall be entitled to receive such clothing and subsistence as may be necessary for them, provided they shall not exceed the cost of the clothing and subsistence now allowed to soldiers in the army; and that their pay, respectively, shall be as follows: for the first three years after their enlistment, three dollars per month; for the next two years, five dollars a month; they shall then, respectively, be promoted to the rank of corporals, provided their conduct be such as to justify it, and be entitled to the pay attached to that grade. They shall then be formed into companies, with a due proportion of sergeants. The sergeants to be appointed from the most meritorious, as a reward for superiority in good conduct. The said corporals, after serving three years, shall severally be further promoted to the rank of sergeants, provided, as before, their conduct shall justify such promotion, with the pay and emoluments attached to said grade; but they shall, nevertheless, perform the duties of private, corporal, and sergeant, in rotation, according to such rule as shall be established by the President of the United States.

4. *Be it further enacted*, That the said companies shall be organized in the same manner as the companies now authorised in the several regiments of artillery and infantry, and be officered in like manner, and are to replace such companies, in said regiments, as shall be broken up. To each company there shall be attached one sergeant major, to be charged with the details of the company, under the direction of the captain or commanding officer; one quartermaster sergeant, to be, in like manner, under the direction of the commanding officer of the company, charged with the clothing, provisions, and other property belonging to the company, whose pay and subsistence, respectively, shall be equal to that of a cadet, with the addition of suitable clothing, to be furnished by the public.

5. *Be it further enacted*, That such of the non-commissioned officers as shall be employed in other duties than those in the line, as, for instance, in any of the trades they may have been taught, as blacksmiths, carpenters, wheelwrights, harnessmakers, whitesmiths, or other handicraft, except military works, in the laboratory, police, or other necessary duties connected with the camp or garrison, shall receive an extra allowance of twenty cents per day; but ardent spirits are, on no account, to be allowed or issued to them as rations, or gratuitously, for services.

6. *Be it further enacted*, That after the completion of a full term of enlistment, by any non-commissioned officer, who has enlisted according to this act, in a manner to entitle him to an honorable discharge, the President may authorize the appointment of such non-commissioned officer so discharged, on the recommendation of the colonel or commanding officer of the regiment to which such non-commissioned officer belonged, or under whom he may have served at the time of his discharge, to any of the following offices, to wit: To be a subadjutant to a battalion or post, with the pay, rank, and emolument of a cadet, with suitable clothing, provided there be not more than one to each battalion or post; said subadjutant to perform the duties heretofore performed by sergeant majors of regiments, to be in lieu of said sergeant majors. Post adjutant, post commissary, each with the rank, pay, and emoluments of second lieutenant, provided there be not more than one of each appointment to each military post; or to be keeper of military stores, and keeper of magazines and arsenals, under the direction of the ordnance department, with the pay, rank, and emoluments of the lowest grade of commissioned officers in the line of the army. Besides these said appointments, the said non-commissioned officers who have faithfully served their term out, shall

be otherwise eligible to promotion in the line of the army, according to their respective merits.

7. *Be it further enacted*, That the President be, and he is hereby, authorized to cause to be detailed from the commissioned officers of the army, such number of them as may be necessary to instruct the said boys, who shall be entitled, respectively, to receive an additional compentation of ten dollars a month while actually so employed; and, also, may cause to be detailed from the army such mechanics, or may direct to be engaged such number of mechanics, of respectable character, and of different trades, as may be requisite and capable of teaching the mechanic arts, and works proper to be taught to the said boys, in conformity with the second section of this act. The said mechanics to receive the monthly pay of twenty-five dollars, and the rations and clothing of a soldier.

8. *Be it further enacted*, That it shall be lawful to cause a suitable number of said boys, who may show the natural disposition for the attainment of knowledge in music, to be instructed on the several instruments used in the army, besides the instruction directed to be given to the other boys; the said boys selected for musicians to have all the advantages as to promotion and appointment, allowed to the others, as they respectively advance in years, and maintain a good standing as to talents and conduct; and to receive the same pay, and other allowances, according to rank.

9. *Be it further enacted*, That if, after the completion of the term for which any of the non-commissioned officers herein mentioned may have enlisted, there shall be no vacant place in the military establishment to which they respectively could be promoted, that they, the said non-commissioned officers, may be re-enlisted for any term not leas than one year, and be borne on the rolls of their respective regiments, with the same rank and station held by them respectively, and for any further term thereafter, as long as they may be fit to perform the duties of a soldier; retaining all the claims to further promotion to which merit and character may entitle them.

10. *Be it further enacted*, That the whole expense attending the introduction of this system shall not increase the estimated expense of the whole army, as now authorized, including bounties and premiums, and contingencies of the recruiting service; and it shall be lawful for the President to cause to be discharged such of the rank and file of the present army as may make it necessary to keep the expenses of the military establishment within the limits here prescribed.

ABOLISH IMPRISONMENT FOR DEBT.

HOUSE OF REPRESENTATIVES—*January* 17, 1832.

Mr. R. M. JOHNSON, from the committee to which was referred so much of the message of the President of the United States as respects imprisonment for debt, report:

That, acting under a constitution of limited powers, delegated by the people of the several States, an act of Congress to abolish imprisonment for debt can have effect only in cases belonging to the federal courts. The primary and only legitimate object of Government is, to secure to each individual the enjoyment of life, liberty, and the pursuit of happiness; these cannot be forfeited without crime. It is essential to the preservation of liberty, that crime should be defined, and its punishment determined, by law. To protect the citizen from acts of tyranny, the constitution secures, in all cases, to the accused, the right of trial by an impartial jury. The violation of this principle is the essence of despotism. If insolvency is fraud, and if that fraud is a crime which justly deprives the insolvent of his liberty, the law should define it as such, and fix its punishment. The trial should be, like that of other crimes, by an impartial jury, in the State and district where the crime is committed; and the punishment should be pronounced by the court, subject, as in other convictions, to the pardoning power in the discretion of the Executive. In the punishment of debtors all these sacred principles are subverted. The citizen is deprived of his liberty without the accusation of a crime, without a criminal prosecution, and without a jury to decide upon his guilt, and his punishment is submitted to the sole discretion of an individual creditor.

In all the catalogue of human crimes, there is none which more imperiously requires definition than that of fraud. To punish a crime which is not well defined by law, is always more injurious to society, because of the abuse of power to which it subjects the accused, than to suffer it with impunity. Why does not the law define and punish ingratitude—a crime which is marked with universal execration? Because of the difficulty of giving to it such a precise definition as would separate the innocent from the guilty. By omitting to punish this vice we avoid a greater evil; so, in abolishing imprisonment for debt, absolutely, and without condition or reservation, we shall avoid an evil infinitely greater than can be obviated by any restriction. Our constitution denounces privileged orders. The warning voice of history, bearing, like peals of thunder, the cries of the oppressed from ancient and modern nations where these orders have existed, and still exist, demanded this security for the citizens of our own country. But to give to the creditor, in any case whatever, power over the body of his debtor, is a violation of this principle. It subjects the liberty of the great mass of our most useful, because most enterprising and industrious, citizens, to the caprice, the vengeance, or forbearance of the wealthy and the more fortunate. Why do we reprobate the act which crowded so many human beings in the black hole of Calcutta, where mortal pestilence was inhaled from the infected atmosphere? Because it was an act of cruelty; and it is the same abhorrence that elicits this popular cry, which has become almost universal, against imprisonment for debt.

Yet legislators, the majority of whom have generally been of the wealther class, or, at least, free from pecuniary difficulties, have so complicated the system that it has become involved in a labyrinth of mystery; and, to secure its existence, they have surrounded it with such dark suspicions of fraud that the subject can scarcely be approached without embarrassment. Thus, like all other systems of despotism, it has imposed upon the minds of men, with some shadow of plausibility, the idea of necessity; till, by long habit, they have gradually become, in some degree, reconciled to the oppression. The victim is cut off from society; and, because he pines in solitude where his miseries are not seen, nor his complaints heard, his case is passed over as an instance of individual misfortune, for which there is no remedy, and which is scarcely worthy of observation. But if all these victims of oppression were presented to our view in one congregated mass, with all the train of wives, children, and friends, involved in the same ruin, they would exhibit a spectacle at which humanity would shudder. It was a remark of one of the sages of antiquity, that the best Government is that where an injury to one citizen is resented as an injury to the whole. Here, in our own free and happy country, many thousands of our fellow-citizens are suffering annually the deepest injury. Children are deprived of their natural guardians, families of their support, and freemen of their liberty, by a remnant of barbarism which requires nothing but the voice of legislation to blot it out forever. From the earliest dawn of civilization, it has been a subject of the severest censure, and the most unqualified denunciation.

But history teaches us that men, accustomed to bondage, may contract a fondness for the chains that bind

them. The subjects of monarchs become attached to their aristocratic establishments, and are hardly persuaded to forego the splendors of royality for the simplicity of republican government. So in relation to this vestige of despotism amongst us; the most obstinate prejudices are enlisted in its favor, sustained by all the cupidity of sordid minds. The injustice and cruelty of the system are generally conceded; but the wisest heads and purest hearts have found such insurmountable difficulties in devising a remedy which will at once eradicate the evil, and guard against imaginary dangers, that the preservation of personal liberty must be regarded as hopeless upon any other principle than that of the total and absolute abolition of imprisonment for debt. For ages past, the common rights of humanity have been violated upon the pretext that, in some cases, fraud may exist, and to such a degree, as may justly deprive a citizen of his liberty. The committee are aware that such cases may exist, but can there be no other remedy provided than that of submitting it to the arbitrary will of the creditor to punish, at discretion, the innocent and the guilty? Shall ninety-nine innocent victims of misfortune be cut off from their families, and the world, that one fraudulent debtor may be punished without trial, and without proof of guilt? It is inconsistent with the whole spirit of our institutions to urge, as arguments in favor of the system, that creditors are seldom vindictive against honest debtors, or that fraudulent debtors are more numerous than cruel creditors, or that public sentiment will correct the disposition to act with severity.

The facts are often the reverse. Creditors are often relentless. It is doubtful whether fraud is not as common on the part of the creditor as on that of the debtor, (and cruelty more common than either)—and public sentiment has but little influence over an avaricious mind. The system originated in cupidity. It is a confirmation of power in the few against the many; the fortunate againgt the unfortunate; the Patrician against the Plebian; and it is doubtful whether that civilized community ever existed which would tolerate this system, if the sentiments of all could be known and faithfully represented. But we learn, from long habit, to endure, and even to advocate, what becomes most execrable to us when the fetter is broken. So long as a solitary benefit is known to result from any established custom, however oppressive or absurd in its general tendency, still there is a reluctance to change. The Spanish inquisition, now the abhorrence of all enlightened minds, was long sustained, in many countries, by the tyrant's plea of necessity for restraining vice, and its cruelties were long tolerated upon the principle that some solitary benefit might result. Even in this country, and to the present day, the force of ancient prejudice is so strong, that persons are found who are fearful for the interest of religion if undefined and unprotected by legislative acts; and, in support of the principle, some instance may be cited in which this interference may have restrained licentiousness.

In the burning of a thousand heretics, the world may have been delivered from one dangerous citizen. In the destruction of a thousand sorcerers, convicted of witchcraft, one knave may have perished. The benefit of clergy which secured from capital punishment, for petty offences, all who could read and write, while the more ignorant were doomed to death for the same crimes, may have saved some useful lives, when a milder and more equitable administration of justice would have saved many. A despot, clothed with unlimited power, governing without law, may have punished some offenders who would have escaped under our republican institutions.

All these cruelties have been legalized, and, while bleeding humanity was sinking under the burden of oppression, the few instances of apparent benefit sustained the whole system of tyranny; and the world became so reconciled to the bondage that every reformation has been effected by violence, and toil, and blood. Of a similar character is this remaining vestige of barbarism, which dooms the victim of misfortune to the culprit's destiny. It is sustained upon the same principle. In the imprisonment of a hundred debtors, one may have deserved the punishment for fraud; and, in this solitary case of just retribution, the cries of ninety-nine innocent sufferers are unheard or unregarded. The obligation of a contract is sacred. The committee would not recommend a measure calculated to impair it. The property of the debtor is made liable for its discharge in all well regulated societies, with such reservations as are deemed necessary by the sovereign power—such as giving immediate relief to the wife and children, together with such implements as will enable the husbandman and mechanic to pursue their useful vocations. These reservations were made in the early ages of the Grecian republics, and the principle has been held sacred by municipal law, by common law, by civil law. It is a regulation which the prosperity of the commonwealth requires, because industry is the life of the country.

A nation may exist without professional men—without a moneyed capital; but it cannot exist, in a civilized state, without agriculturists and artisans. But it is of little avail to reserve their implements of labor, and imprison their persons. The State sustains a loss, the families are ruined, and the creditors are not benefited. When the effects of the debtor are exhausted, and his debts remain unliquidated, the world has been divided in sentiment as to the extent of a pecuniary obligation against the personal liberty of the debtor. In ancient Greece, the power of creditors over the persons of their debtors was absolute; and, as in all cases where despotic control is tolerated, their rapacity was boundless. They compelled the insolvent debtors to cultivate their lands like cattle, to perform the service of beasts of burden, and to transfer to them their sons and daughters, whom they exported as slaves to foreign countries.

These acts of cruelty were tolerated in Athens during her more barbarous state, and in perfect consonance with the character of a people who could elevate a Draco, and bow to his mandates, registered in blood. But the wisdom of Solon corrected the evil. Athens felt the benefit of the reform, and the pen of the historian has recorded the name of her lawgiver as the benefactor of man. In ancient Rome, the condition of the unfortunate poor was still more abject. The cruelty of the Twelve Tables against insolvent debtors should be held up as a beacon of warning to all modern nations. After judgment was obtained, thirty days of grace were allowed before a Roman was delivered into the power of his creditor. After this period, he was retained in a private prison, with twelve ounces of rice for his daily sustenance. He might be bound with a chain of fifteen pounds weight; and his misery was three times exposed in the market place, to excite the compassion of his friends. At the expiration of sixty days, the debt was discharged by the loss of liberty or life. The insolvent debtor was either put to death, or sold in foreign slavery beyond the Tiber. But if several creditors were alike obstinate and unrelenting, they might legally dismember his body, and satiate their revenge by this horrid partition. Though the refinements of modern criticisms have endeavored to divest this ancient cruelty of its horrors, the faithful Gibbon, who is not remarkable for his partiality to the poorer class, preferring the liberal sense of antiquity, draws this dark picture of the effect of giving the creditor power over the person of the debtor. No sooner was the Roman empire subverted than the delusion of Roman perfection began to vanish, and then the absurdity and cruelty of this system began to be exploded—a system which convulsed Greece and Rome, and filled the world with mi-

sery, and, without one redeeming benefit, could no longer be endured; and, to the honor of humanity, for about one thousand years, during the middle ages, imprisonment for debt was generally abolished. They seemed to have understood what, in more modern times, we are less ready to comprehend, that power, in any degree, over the person of the debtor, is the same in principle, varying only in degree, whether it be to imprison, to enslave, to brand, to dismember, or to divide his body. But, as the lapse of time removed to a greater distance the cruelties which had been suffered, the cupidity of the affluent found means again to introduce the system; but by such slow gradations, that the unsuspecting poor were scarcely conscious of the change. The history of English jurisprudence furnishes the remarkable fact, that, for many centuries, personal liberty could not be violated for debt. Property alone could be taken to satisfy a pecuniary demand. It was not until the reign of Henry III., in the thirteenth century, that the principle of imprisonment for debt was recognised in the land of our ancestors, and that was in favor of the barons alone; the nobility against their bailiffs, who had received their rents, and had appropriated them to their own use. Here was the shadow of a pretext. The great objection to the punishment was, that it was inflicted at the pleasure of the baron without a trial; an evil incident to aristocracies, but obnoxious to republics. The courts, under the pretext of imputed crime, or constructive violence on the part of the debtor, soon began to extend the principle, but without legislative sanction. In the eleventh year of the reign of Edward I., the immediate successor of Henry, the right of imprisoning debtors was extended to merchants; Jewish merchants excepted, on account of their heterodoxy in religion; and was exercised with great severity. This extension was an act of policy on the part of the monarch. The ascendancy obtained by the barons menaced the power of the throne; and, to counteract their influence, the merchants, a numerous and wealthy class, were selected by the monarch, and invested with the same authority over their debtors. But England was not yet prepared for the yoke. She could endure a hereditary nobility; she could tolerate a monarchy; but she could not yet resign her unfortunate sons, indiscriminately, to the prison. The barons and the merchants had gained the power over their victims; yet more than sixty years elapsed before Parliament dared to venture another act recognising the principle. During this period, imprisonment for debt had, in some degree, lost its novelty. The incarceration of the debtor began to make the impression that fraud, and not misfortune, had brought on his catastrophe, and that he was, therefore, unworthy of the protection of the law, and too degraded for the society of the world. Parliament then ventured, in the reign of Edward III., in the fourteenth century, to extend the principle to two other cases—debt and detinue. This measure opened the door for the impositions which were gradually introduced by judicial usurpation, and have resulted in the most cruel oppression. Parliament, for one hundred and fifty years afterwards, did not venture to outrage the sentiments of an injured and indignant people, by extending the power to ordinary creditors. But they had laid the foundation, and an irresponsible judiciary reared the superstructure. From the twenty-fourth year of the reign of Edward III., to the nineteenth of Henry VIII., the subject slumbered in Parliament. In the mean time, all the ingenuity of the courts was employed, by the introduction of artificial forms and legal fictions, to extend the power of imprisonment for debt in cases not provided for by statute. The jurisdiction of the court called the King's Bench, extended to all crimes or disturbances against the peace. Under this court of criminal jurisdiction, the debtor was arrested by what was called the writ of Middlesex, upon a supposed trespass or outrage against the peace and dignity of the Crown. Thus, by a fictitious construction, the person who owed his neighbor was supposed to be, what every one knew him not to be, a violator of the peace, and an offender against the dignity of the Crown; and while his body was held in custody for this crime, he was proceeded against in a civil action, for which he was not liable to arrest under statute. The jurisdiction of the court of common pleas extended to civil actions arising between individuals upon private transactions. To sustain its importance upon a scale equal with that of its rival, this court also adopted its fictions, and extended its power upon artificial construction, quite as far beyond its statutory prerogative; and upon the fictitious plea of trespass, constituting a legal supposition of outrage against the peace of the kingdom, authorized the writ of capias, and subsequent imprisonment, in cases where a summons only was warranted by law. The court of exchequer was designed to protect the King's revenue, and had no legal jurisdiction, except in cases of debtors to the public. The ingenuity of this court found means to extend its jurisdiction to all cases of debt between individuals, upon the fictitious plea that the plaintiff, who instituted the suit, was a debtor to the King, and rendered the less able to discharge the debt by the default of the defendant. Upon this artificial pretext, that the defendant was debtor to the King's debtor, the court of exchequer, to secure the King's revenue, usurped the power of arraigning and imprisoning debtors of every description. Thus, these rival courts, each ambitious to sustain its relative importance, and extend its jurisdiction, introduced, as legal facts, the most palpable fictions, and sustained the most absurd solicisms as legal syllogisms.

Where the person of the debtor was, by statute, held sacred, the courts devised the means of construing the demand of a debt into the supposition of a crime, for which he was subject to arrest on mesne process; and the evidence of debt, into the conviction of a crime against the peace of the kingdom, for which he was deprived of his liberty at the pleasure of the offended party. These practices of the courts obtained by regular gradation. Each act of usurpation was a precedent for similar outrages, until the system became general, and at length received the sanction of Parliament. The spirit of avarice finally gained a complete triumph over personal liberty. The sacred claims of misfortune were disregarded, and, to the iron grasp of poverty, were added the degradation of infamy, and the misery of the dungeon.

Parliament appeared sometimes to relent, and made several efforts to correct the abuses; but the influence of creditors, and the power of the courts, were too formidable for Parliament itself; and while a vestige of the system remains, the oppression will never terminate. The time was, when personal liberty in England was so highly valued, that, before the institution of a suit against an individual, the plaintiff was required to give real and responsible pledges to prosecute the suit with effect; and if the action proved to be groundless, or malicious, he was subjected to damages. But, ultimately, the courts, without the authority of statute, broke this common law barrier against oppression, and for real pledges substituted fictitious names, as John Doe, and Richard Roe; while, upon the mere suggestion or oath of the plaintiff, the defendant may be arrested and imprisoned before debt is proven, unless he can procure bail for his appearance. Thus was the whole artifice of the learned benches of England, with all the authority of the aristocracy, employed for centuries, to introduce, by the most gradual measures, imprisonment for debt, even before a people, accustomed to all the abuses of hereditary power, could be brought under its control. But when it was established, our ancestors, with the whole system of British jurisprudence, brought it with them to this new world. It

has been long endured, and its miseries have been extensively felt. It is this day depriving our country of the industry of many of her citizens, and carrying distress into their numerous families. But there is evidently a spirit of reformation awakened in the public mind, and the redeeming voice of the people demands the change.

Public sentiment, like the general tendency of our laws, is in favor of the unfortunate debtor. It speaks for liberty, and gives it an estimate above the value of gold. If there is a country on earth in which personal liberty has a claim to the protection of the law, paramount to every other claim, it is found on these Western shores. But while the body, under any circumstances, is liable to arrest on mesne process, or after judgment is obtained, whether to coerce a surrender of property, or to punish for real insolvency, there is no security for liberty. Till the destinies of fortune shall be subject to human control, no citizen, however meritorious, is certain to close his days without being immured in the walls of a prison. If stolen goods are secreted, the oath of suspicion is necessary to procure a search warrant; and then, the person suspected is free from arrest till the property is found in his possession. But in case of debt, the person is liable to be arrested, and to be held in custody, even under the mildest insolvent laws, till the debtor shall, on oath, make a surrender of his effects. The plea of necessary coercion furnishes a poor apology. Man, held in confinement for one hour, by the lawful authority of his fellow citizen, is degraded in the estimation of society, and is liable to lose respect for himself. The spirit of freedom which achieved, and which still sustains our independence, is broken; and he often sinks into a state of ruinous despondency, or is urged on to acts of desperation. The only safe course is, to destroy the *capias ad satisfaciendum*, the writ which takes the body upon a judgment, and, as experience may point the necessity of other measures to secure the surrender of the property, time will perfect them. The power of the State Legislatures is ample, and they will not fail to provide the remedy; and the committee believe it will be most wise to leave that power with the States. Whatever may be the theory of legislation, the true character of a system is demonstrated by its effects. If it renders society more free and happy, it should be retained; but if it augments the sufferings of the community, without producing benefits which will more than countervail the evils, it ought to be abandoned. The spurious origin of this system is not the leading point on which the committee would dwell—nor even the generous sympathies which its victims excite. Its ruinous consequences to society, without benefit even to the creditor, show the necessity of its abolition.

The power of the creditor is generally exerted under feelings of irritation, and to satiate a spirit of revenge. The American citizen, who has bled for his country, or whose penury has resulted from his father's sacrifices in the cause of independence, is reduced to a condition in which he cannot meet, with punctuality, the claims against him. What is the consequence? From that moment his liberty is forfeited to the discretion of his creditor. His patriotism, his integrity of character, will avail him nothing. If he is permitted, in his daily exercise, to pass the bounds of a prison wall, it is by the forbearance of another. He is liable to be held in degrading custody, even under the mildest laws of insolvency, till he shall have taken the oath prescribed; and then, like the culprit who has received punishment for his crime, he is discharged from prison. This is the liberty which Americans enjoy under the system of imprisonment for debt. Even the illustrious Jefferson, that patriarch of liberty, and the virtuous and patriotic Monroe, whose lives were devoted to their country in its darkest hours, enjoyed their freedom, during the shades of retirement, not by the protection of the laws, but by the forbearance of their creditors. A citizen cannot, by contract, consign himself to bondage. He may fix his signet to the indenture that purports to bind him, but the law will break the fetter. A man may forfeit his liberty by the commission of crime; the safety of society may require that he shall be locked out from the world; but the debtor is not convicted of a crime; his liberty is not dangerous to society; yet, by technical implication, he may be consigned to prison.

The slave, while he toils for his master, contributes to the nation's wealth, and to the benefit of society. The resources of a nation consist principally in the industry of its citizens; and labor, by whatever hands performed, is a contribution to the public weal. But he who pines a day in prison, drags out that portion of his life in useless indolence; starving in misery, or living upon another's labor, while society is deprived of his own. The miseries of the debtor's prison present a picture of wretchedness which fancy could scarcely draw. These miseries are not confined to the prisoner's cell. They extend, in all their horror, to the humble dwelling of his family. The broken-hearted wife, surrounded with helpless, suffering children, weeping for the return of an affectionate father, innocent and ignorant of the fell destiny which dooms them to a state of untimely orphanage, is driven to despondency, and sometimes to acts of infamy. Nor is the evil obviated by the argument, that the mildness of the insolvent laws furnishes an easy release from confinement. The moment a citizen enters a prison at the command of his fellow citizen, his mind is humbled; and the principle is the same, whatever may be the duration, whether it can deprive him of his liberty for a day, a month, a year, or three score years and ten. Notwithstanding all the boasting of the mildness of our insolvent laws, our jails are crowded with debtors—thousands are annually imprisoned for debt in these United States. These facts amply demonstrate that the existing insolvent laws do not furnish a remedy for the evil. It must be eradicated by an entire and total abolition.

In the courts of the United States, no security can be demanded against groundless or malicious actions, except the legal costs of suit. But by general practice under the laws, the simple affidavit of the plaintiff, that the defendant is indebted to him, is sufficient to consign the defendant to prison, unless some responsible person will befriend him by becoming his bail. He is not required to state that the obligation was incurred by false pretences, nor that the defendant was suspected of an intention to secrete his property, or to withdraw his person, or to entertain any fraudulent design. Nothing is required but the plaintiff's oath of debt, to place the liberty of the defendant beyond the protection of law, and subject him to the favor of an individual to save him from prison. It is difficult to ascertain any fixed principle upon which imprisonment for debt is advocated. It is regarded by some as a punishment for a crime; by others, a mode of coercion; by some, a fulfilment of an implied contract; by others, again, a matter of public policy. If it is a crime, the object of punishment should be the reformation of the offender, and the prevention of future offences. An offence is against society; the guilt of the offender should be ascertained by a jury; the penalty should be fixed by law, according to the degree of guilt, and pronounced by the court without consulting the pleasure of an indtvidual. (But in imprisonment for debt there is no reformation.) Society is not disturbed by a criminal act. No guilt is imputed to the debtor. The law furnishes no penalty. The court pronounces no sentence. There are no grades of offence. All is left to the discretion of an individual, and the law operates indiscriminately upon the fraudulent and unfortunate. If it be a means of coercion, it is inefficacious. It cannot compel the honest man to pay what he has no means of paying. It places him beyond the possibility of procuring those means. The dishonest man

will devise a method of placing his property beyond the reach of his creditors, by preparing himself in anticipation of the result. He will triumph in the impotence of the laws. The innocent are always degraded, and often ruined, while the guilty escape the punishment which their crimes deserve. It is not the fulfilment of a contract. No fair construction, even under all the fictions of law, can justify the conclusion that a debtor agrees to forfeit his personal liberty to the will of his creditor. The debtor, as a citizen and freeman, is in all respects equal to his creditor. No contract could deprive him of personal independence; and, in contracting a debt, he has no intention to compromit his freedom. A contract upon such a principle would be void both in law and in equity. In contracting a debt, there is a mutual agreement between the parties, in which both are interested. If a loan, it is for usury; if a sale, it is for profit; if an act of friendship, gratitude is the safest pledge for its return, when circumstances will permit. But, in all cases, the ability of the debtor, from the property which he holds, or may acquire, is the only proper means of payment; and it is the only legitimate resource which the creditor can honorably and lawfully anticipate. If his object is to obtain power over the liberty of the debtor, it is dark, designing, dishonorable in the extreme, and utterly unworthy the sanction of law. If his dependence is upon the friends of the debtor, by exciting their commiseration, through cruelty, it deserves public reprobation. Lord Mansfield justly observes, if any near relation is induced to pay the debt for the insolvent, to keep him out of prison, it is taking an unfair advantage. No credit is desirable in a free country, predicated upon the imprisonment of the debtor, and it ought not to be granted upon such considerations.

In a country without a uniform bankrupt law, the cruelty of the system is beyond the endurance of freemen. As a matter of policy, the committee cannot discover either the wisdom or the justice of the system. To oppress the poor may well enough consist with the policy of despots; but, to an American citizen, whose birthright is liberty, it must be odious. The wealth and prosperity of a nation, the comforts of society, and the happiness of families, depend upon active industry, combined with well-directed enterprise. Our laws and institutions recognise no classes. Farmers, mechanics, merchants, professional men, and the capitalist, are all peers. The revolutions in property, and distinctions resulting from industry, virtue, and talent alone, are as certain as the revolutions of the seasons. They cannot be perpetuated in one family, nor excluded from another. The poor may become wealthy, and the rich poor.

The prospect of success invigorates the hand of industry, and gives impetus to the noblest enterprise. To these exertions every encouragement should be given; but, when the cloud of misfortune lowers, to consign its victim to the prison, is to blast his future prospects, and to fix upon his family the mark of degradation. To maintain that confidence which is necessary to a fair and reasonable credit, effectual remedies should be provided against the property of the debtor, always reserving from execution such articles as are necessary for the pursuit of his calling; but, that he may retain the spirit of useful enterprise, for the benefit of both his family and the community, those reservations should be carefully guarded, and the freedom of his person always secured. It cannot be denied that great calamities, both public and private, have arisen from too much credit; seldom or never from too little; and it is equally certain that the excess of credit as frequently proceeds from him who gives, as from him who receives it.

If imprisonment for debt shall be totally abolished, the parties will understand the proper legitimate source for the fulfilment of a contract. It will then rest upon its proper basis. The person granting credit will confide in the ability of the debtor to meet the claim, or he will require satisfactory pledges. Whatever censure may attach to the abuse of credit, it is but just to divide it between them. It is frequently as injurious to the one as to the other; and without the voluntary consent of both, it cannot exist. In the present state of society, the injury of the system may be seen and felt in a limited degree; and persons not accustomed to visit the abodes of misery, will scarcely be convinced of its dangerous tendency. But, as population becomes more dense, the difficulty of procuring the comforts of life must be increased. Then, if the power of the creditor over the personal liberty of his debtor shall remain, it will be exercised with unrelenting severity. Though our republican forms may be preserved, their essence may be destroyed. The country will be divided into two great classes, creditors and debtors; between whom the most obstinate hostilities will exist; and, as in Greece and Rome, society may be convulsed, confidence destroyed, and liberty endangered.

We should legislate with a view to posterity, that, with our fair inheritance, we may transmit to them a harmonious system, calculated to sustain their rights, and perpetuate the blessings of freedom.

While imprisonment for debt is sanctioned, the threats of the creditor are a source of perpetual distress to the dependant, friendless debtor, holding his liberty by sufferance alone. Temptations to oppression are constantly in view. The means of injustice are always at hand; and even helpless females are not exempted from the barbarous practice. In a land of liberty, enjoying, in all other respects, the freest and happiest government with which the world was ever blessed, it is matter of astonishment that this cruel custom, so anomalous to all our institutions, inflicting so much misery upon society, should have been so long endured. It is at variance with the settled character of our population. Whenever objects of charity present themselves, all of our sympathies are called into action. There is scarcely a hamlet in our country where benevolent societies do not exist, often extending their munificence to families deprived of their support by this oppressive system. We have not only expended our treasure to enlighten the sons of the forest, but we have sought out the victims of misfortune in foreign regions. The isles of the Pacific, the burning climes of Africa, the children of wretchedness in Europe and in Asia, even the land of Palestine, have enjoyed the fruits of American benevolence, obtained by voluntary contribution, while the cries of the unfortunate debtor among us are unheard and unrequited. Public sentiment demands his release, but avarice pleads the cause of oppression, and prejudice rivets the chain.

The following extract, taken from the report of the visiters and governors of the jail of Baltimore county, and which is appended to the report, is the result of one county in Maryland, and under humane and mild insolvent laws:

"It appears that, during the year ending on the 26th of November, 1831, nine hundred and fifty-nine of our fellow-citizens have been deprived of their liberty for this cause, (imprisonment for debt,) more than half of them for debts under ten dollars, and only thirty-four of the whole number for debts exceeding one hundred dollars. More than half have been discharged from prison, by taking the benefit of the insolvent laws, or by the creditor declining to pay maintenance money; and the records of the prison present only eighty-one as having been discharged by paying their debts. The expense of boarding these debtors is $1,430 41, and the amount of debts paid in jail, $466 06."

"The inference we draw from this statement is, that little money is recovered by imprisonment for debt, and that any advantages which may possibly result from it

practice, are greatly overbalanced by the loss which the community suffers in being deprived of the services of its members, amounting, during the past year, to seven thousand six hundred and fifty-seven days, which would have been appropriated to productive labor in paying for their support while imprisoned, and in the baneful effects which imprisonment is calculated to produce on the individuals who are its subjects."

Again, Number of debtors

for one dollar and less, - -	53
more than 1, and less than 5, -	306
more than 5, and less than 10, -	219
more than 10, and less than 20, -	179
more than 20, and less than 100, -	168
more than 100, - - -	34
	959

A bill to abolish imprisonment for debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any of the courts of the United States to issue a *capias ad satisfaciendum*, or any other process, by which the body may be subject to arrest or imprisonment, upon any judgment at law or final decree in chancery, for payment of money founded upon any contract, express or implied, which may have been entered into, or upon cause of action, which may have accrued after the 4th day of July next; and upon all such contracts and causes of action after judgment, imprisonment shall be totally and absolutely abolished.

Sec. 2. *And be it further enacted,* That no bail or security for the appearance for any defendant or defendants shall, hereafter, be required upon the service of the original or mesne process issuing out of the courts of the United States, in any action or suit founded on any contract, express or implied, which shall be made or entered into after the 4th day of July next, nor in any other suit or action where the cause of action shall have accrued subsequent to that time, unless the plaintiff or some other person shall make oath or affirmation before the clerk, or officer attesting the said process, who is hereby empowered to administer the same, or before some other person authorized to admininister oaths by the laws of the United States, or of the several States, that the defendant or defendants named in the process is, or are, justly indebted to the plaintiff or plaintiffs in a certain sum stated in said affidavit; and shall, moreover, make oath or affirmation that he, or they, have reason to believe that the said defendant or defendants intends or intend to remove from the State or Territory in which he or they reside at the time such action was brought, or move his property out of the same, or conceal his property before judgment, or otherwise abscond, so that the process of the court, after judgment, cannot be executed; which oaths or affirmations the said clerk, or other officer, shall endorse and certify on the said process: whereupon, the said officer executing the same shall take bail, in double the amount so sworn to, and proceed as if this act had never passed. But the defendant or defendants may contest the allegation of said oaths or affirmations before the court in which the said suit or action is instituted, or before the judge of said court in vacation, in such form as the court shall prescribe; and if the court shall be of opinion that the said allegations are not well founded, it may make an order to be entered on record, discharging said bail or security from his or their suretyship. And in cases where bail is not authorized by this act, the first process shall be by summons, or by summons and attachment of property, in those States where, by the laws thereof, property may be attached by mesne process; and the return of service, according to the laws of the State in which the process has issued, shall be a sufficient appearance of the defendant or defendants to warrant the subsequent proceedings in the case: *Provided,* That no person shall be held to bail on mesne process, except in the State or Territory in which the debt was contracted, or cause of action accrued, or in the State or Territory where the defendant or defendants reside, or unless the debtor has absconded from the State or Territory in which he resided, or is about to leave the United States; which allegation, that the debtor has absconded, or is about to leave the United States, shall be made on oath or affirmation, in the manner as hereinbefore provided for, and the truth of said allegation shall in like manner be tried.

Sec. 3. *And be it further enacted,* That nothing in this act contained shall prevent the issuing the writ of *ne exeat* by any court of the United States.

Sec. 4. *And be it further enacted,* That, from and after the 4th day of July next, no female whatever, or male of the age of seventy years, or more, who shall be sued for any debt, damages, or claims, due, or alleged to be due, in virtue of any contract, express or implied, shall be held to special bail, or bail on mesne process; but in all actions on such contracts, express or implied, the process shall be by summons, or by summons and attachment of property, in those States where, by the laws thereof, property may be attached by mesne process; and the return of service of such process shall be a sufficient appearance of the defendant to warrant the subsequent proceedings in the case.

Sec. 5. *And be it further enacted,* That the provisions of this act shall extend to all cases of civil proceeding within the District of Columbia and the Territories.

GOLD AND SILVER BULLION, &c. &c.

House of Representatives, *January* 14, 1833.

Letter from the Director of the Mint, transmitting, in obedience to a resolution of the House of Representatives, a report of the relative value of gold and silver bullion in the principal countries of Europe and the United States, &c. &c.

Mint of the United States,
Philadelphia, January 12, 1833.

Sir: I have the honor to transmit, herewith, my report to the House of Representatives, on the subjects referred to me under two resolutions of the 14th December; which report, with the specimens of coins alluded to therein, I have respectfully to request may be presented to the House.

I have the honor to be,
With great respect,
Your obedient servant,
SAMUEL MOORE,
Director of the Mint.

Hon. A. Stevenson,
Speaker of the Ho. of Reps.

Mint of the United States,
Philadelphia, January 11, 1833.

In obedience to the resolutions of the House of Representatives of the 14th of December, requiring "the Director of the Mint to report to the House, as far as in his power, the present relative value of gold and silver bullion in the principal countries of Europe and the United States; that is to say, if 371.25 grains of pure silver are worth one dollar, what is the worth of the same weight of pure gold?"

And, also, to report to the House his opinion of the degree of fineness or proportion of alloy the best fitted, in gold coins, to give durability and continued brightness to the metal; and, also, in his opinion, what is the most suitable metal for that alloy," the Director of the Mint has the honor to submit the following report:

In accomplishing the objects of the first resolution, it

has been considered desirable to ascertain, not only the relative value of gold and silver bullion in the principal countries of Europe and the United States at the latest dates to which authentic data apply, but also the average proportional value during a series of recent years, adequate to determine the vibrations to which it is liable from transient causes. This latitude of inquiry seems particularly expedient in regard to the United States, where the relative value of gold and silver has exhibited conspicuous fluctuations within the last twelve years.

The period proposed to be assumed as the basis of an instructive average, is the interval from the year 1821 to the year 1822, inclusive. About the commencement of this period, the effects of a general peace, and the consequent new order of commercial relations, began to develope their full influence on the currency both here and in Europe. The effective return to specie payments in the United States occurred between 1817 and 1819, and in England about the year 1820. To these considerations are especially to be added the new mint regulations of the latter, adopted in 1816, but only carried into full effect about the year 1821, which appear to have exerted a very sensible control over the relative value of gold and silver in the bullion market.

When, at the commencement of the mint in 1792, the ratio of fine gold to fine silver was established at 15 to 1, it was supposed to be conformable to their relative value in the principal commercial nations of Europe, and it probably was nearly conformable to the mint regulations then prevailing. How far the value of those metals in the foreign market deviated from the mint proportion during the interval from 1792 to 1821, the means are not possessed to determine. No deficiency, however, in the mint ratio of gold to silver in the United States became early apparent. Gold and silver coins remained at par with each other throughout that period. Both were the objects of a premium measured in the actual currency during the suspension of specie payments, but both of the same premium.

The first notice of a premium on gold measured in silver, in the United States, appears late in 1821. Before the end of that year it had advanced to 5½ per cent. Since that time it has occasionally been as high as 7 per cent., and, at intermediate intervals, as low as 2 per cent. During the past month it has been from 3½ to 4 per cent. The above fluctuations evince the propriety of adopting the interval mentioned as the range of the present inquiry.

The annexed tables, A and B, present the facts which, it is presumed, will be considered as of most importance in regard to the objects of the first resolution, as far as it has been found practicable to obtain them, with a satisfactory assurance of their correctness.

Table A exhibits the proportional value of gold and silver coins as established by the latest ascertained mint regulations of the several countries of Europe named therein, contrasted with those of the United States. Where actual assays, at the mint, of perfect gold and silver coins of the several nations could be made available, the results of these have been exhibited in the second column as the practical illustration of the legal coinage to which they belong. The regulations of the other foreign mints have been tested by results deduced from the tables of foreign assayers, particularly those given in Kelley's Cambyst, and the Traite des Monnaies, of Bonneville, a distinguished assayer of Paris.

Table B exhibits the relative value of gold and silver bullion, calculated from the most authentic quotations of the market price in England, France, and the United States. Columns one and two give the price of gold and silver, of British standard, per ounce, in London, from which are deduced the relative value of gold and silver bullion, exhibited in column three. Column four exhibits the proportional value of gold and silver in Paris, deduced from the most authentic quotations of the premium on gold above the mint ratio in France of 15.5 to 1, for the last seven years, with a correction thereof for the difference in the charge of coining gold and silver. Column five contains the proportional value of gold and silver in the United States, deduced from the premium on gold over the mint ratio of 15 to 1, which premium is exhibited in column six. Column seven exhibits the exchange of the United States on London, extracted from the Philadelphia Price Current, estimated according to the nominal par of $4 44. Column seven gives the above quotations reduced to the medium actual par of $4 80, which is 8 per cent. above the former.

It will be perceived that the proportional value of gold to silver bullion in England, as exhibited in table B, is singularly diverse from that established in the coins by mint regulations, and given in table A. Under this aspect of the relative value, gold would seem to be underrated. By a peculiarity of the monetary system of England, however, gold, of which the coinage is free, is made the only general legal tender, while silver, after being subjected at the mint to a seigniorage of more than 6 per cent. deducted from the weight of the coins, is limited, in its application as money, to payments not exceeding forty shillings. Gold is, by this regulation, rendered indispensable to the national currency, while silver, except for minute transactions, can be regarded only as an article of commerce. It results, therefore, that the nominal mint ratio of gold to silver in England of 14.28 to 1, expresses, in fact, only the proportional value of fine gold in two sovereigns to the fine silver in forty shilling pieces. This is the actual proportional value of gold and silver to that extent, and both are thus far equally a legal tender. Beyond this sum the comparison in coins ceases, and the proportional value of those metals is to be sought for in the market price of gold and silver bullion, measured in gold coins, which will be found in the third column.

From the above peculiarity in the coinage of Great Britain, which, though authorized by law in the year 1816, was not in such effective operation as to test its ultimate influence until 1821, has probably resulted, more directly than from any other cause, the advance on gold in the United States, which began to be observed in that year. In order to fulfil the requisitions of a resolution of Parliament of 1819, for the restoration of the currency, as appears from the published reports, an amount of gold equal to about ninety-five millions of dollars, was required to be imported within the succeeding four years. This operation, which was accomplished, could not fail to be sensible in the United States, intimately connected as they are by commercial intercourse with England, and setting a value on gold, in proportion to silver, lower than the other nations from which this supply was to be drawn. It was accordingly felt in a premium on gold, paid first in 1821: the expanded currency of England, and the continued demand for gold resulting from her exclusive regulations in regard to silver, together with her extensive intercourse with the United States, may be regarded as exercising a constant influence to maintain the premium on gold, which, from that period to the present time, has not ceased in this country, though subject to many fluctuations in its amount.

Much less satisfactory data have been found for determining the relative value of gold and silver in the bullion market of the other nations of Europe. It has seemed, therefore, preferable to rely on the more accessible and well-ascertained facts of the case, in regard to England and France. From their extended commercial relations, and the great mass of the precious metals employed by them in currency and the arts, these nations, and especially the former, from the peculiar structure of her currency, may be regarded as presenting the measure of the proportional value of gold and silver for the adjacent

countries. This conjecture is amply confirmed in the evidence of N. M. Rothschild, Esq., given before the committee of Parliament on the Bank of England. A special fact stated on that occasion, by the individual above mentioned, seems not undeserving of notice under this aspect of the subject. On the 24th of July last, it appears that 1,400,000 francs in gold were purchased in Paris for his account, at a premium of one per cent., and transmitted to London. This premium on the ratio of gold to silver in France, is equivalent to the proportional value of 15.66 to 1. If to this be added one-quarter of one per cent. as the minimum charge on the transaction, it will give for the proportional value of gold to silver in London 15.70 to 1. If one-quarter per cent. profit be supposed, the relative value in London becomes 15.75 nearly to 1.

The report of the above committee, made in August last, and of which the evidence mentioned forms a part, presents many indications of a controlling influence derived from the monetary system of England over the price of fine gold in the other countries of Europe, including France, in all of which silver is admissible in the currency as freely as gold, and in some of them preferred to it. The general tenor of the columns of relative value in table B, illustrates, also, this superior influence of the bullion market in London on the relative value of gold and silver. In regard to the United States, this superior influence seems unquestionable. Gold is occasionally exported to France at the current premium, but far more frequently, it is believed, to England. The fact, indeed, is familiar at the mint, that gold coins often remain in the vaults, unclaimed by the depositors, until the day of the departure of one of the packets for Liverpool.

The conclusion seems, on full consideration, to be sustained, that the proportional value of gold and silver in London and Paris, and especially the former, expresses the extreme measure of the relative value of those metals, under the present state of supply and demand, in that community of nations to which the United States pertain. The facts sought for by the present resolution in regard to those nations, and their effect on the ratio of gold to silver in the United States, it is believed, are exhibited in the table, with a near approximation to truth.

The proportional value of gold and silver bullion in columns three, four, and five, it will be perceived, expresses the value of 371¼ grains of pure gold, according to those proportions severally, the dollar of 371¼ grains of pure silver being the unit.

The average relative value of gold and silver bullion in London, for the whole period of twelve years, it will be found, is 15.77 to 1, so that 371¼ grains of pure gold would be of the value of $15 77—the dollar unit consisting of 371¼ grains of pure silver. The average of the last three years gives the proportion of 15.85 to 1. The relative value for the last year alone, it appears, has been 15.96 to 1.

The average relative value of gold and silver bullion in France, during the last seven years, it appears, has been 15.68 to 1, so that the value of 371¼ grains of fine gold would be $15 68—the dollar unit being as before. The average of the last three years gives the proportional value of 15.73 to 1. The relative value for the last year is 15.79 to 1.

The average relative value of gold and silver bullion in the United States, for the whole period, it will be observed, is 15.63 to 1, so that the value of 371¼ grains of pure gold would be $15 63—the dollar unit consisting, as before, of 371¼ grains of pure silver. The average of the last three years gives the proportional value of 15.59 to 1. The relative value of the last year alone is 15.70 to 1.

On comparing the above results for England and the United States during the whole period, with that during the last three years, as also with that of each year separately, it appears that the average of the last three years differs only a half per cent. in London, and only one-third per cent. in the United States, from that of the whole period. That, during those three years, no annual average is so high, but that within the whole period a higher has occurred; nor any so low, but that within the whole period there are examples of a lower. In regard to France, the same comparison applies, except that the average of the last year is the highest of the whole range. The fluctuations are, however, less than either in England or the United States.

The result of actual shipments, within recent years, of gold and silver from the United States to London and Paris, are conformable, with but slight inequalities, to the deductions on which the columns of the relative value in table B have been constructed.

It appears, therefore, rational to conclude that the average of the whole period from 1821 to 1832, inclusive, may be regarded as exhibiting the result of all the fluctuations incident to a state of peaceful relations. Within this interval, all the ordinary causes of irregularity seem to have worked their effect more than once, and to have yielded again to those countervailing equivalents which limit their disturbing power. The commercial exchanges appear, also, during this period, to have passed through all the vibrations to which, under ordinary circumstances, they are exposed; and the relation they bear to the proportional value of gold and silver bullion is exemplified in the annual averages presented in the table.

In regard to Spain, in which gold is valued by mint regulations higher than its value relative to silver is found at any time to advance in the bullion markets, of which quotations have been given, the information obtained is very limited. No evidence, however, has appeared of a special influence on the value of gold and silver in general derived from that quarter. The ratio of gold to silver in Spain appears to be sensible in the United States only as it regards the price of doubloons and their divisions, which, for employment in the Spanish markets, are usually at a premium above silver, exceeding the current premium on any other form of gold. For the same markets, however, other descriptions of gold, either coined or uncoined, do not bear a premium equal to that elicited by the demand for export to England or to France.

On the whole, it may be assumed that the relative value of gold and silver bullion in Europe may, as far as regards the United States, be sought for in England and France. That, in the former, the relative value at the present time may be estimated at about 15.85 to 1, being equivalent to a premium on our ratio of 5 2-3 per cent. That, in France, the relative value may be estimated at about 15.73 to 1, which is equivalent to a premium on our ratio of 4⅔ per cent. In the United States, the relative value of gold and silver at the present time may be estimated at about 15.65 to 1, corresponding to a premium of 4⅓ per cent. on our present mint ratio.

On the questions embraced in the second resolution, in regard to the fineness and alloy suitable for gold coins, the following observations are respectfully submitted:

It appears to be generally conceded that the complexion of fine gold possesses very superior beauty. In this state, also, it is capable of resisting, in a high degree, the action of those agents to which a coin is ordinarily exposed in circulation, tending to impair its brightness. Two qualities, very desirable in a coin, viz. an attractive color and enduring brightness, would be therefore attained by employing fine gold; and if no other considerations were involved, gold, in this state, would be entitled to a preference for coinage. In other particulars, however, it appears to be less suitable for this purpose than gold combined with certain other metals.

An extended series of experiments was made under direction of the British Government, by Mr. Hatchett, to determine the effects of attrition on gold in its pure state, and gold alloyed in various proportions with different me-

tallic substances. The result of these experiments, conducted with much care, appears to establish the conclusion that fine gold is less fitted to resist loss by the attrition to which a coin is liable in circulation, than when combined with particular alloys; that an alloy of silver and copper, or of either alone, improves the quality of gold in this respect; that if this alloy amount, as in the gold coinage of Great Britain and the United States, to one-twelfth part of the weight of the coin, its efficacy is greater than if the proportion were diminished; and that, if this grade of alloy be constituted of equal parts of silver and copper, its efficacy can be no further improved. Trivial deviations, however, from the above proportion of the alloy, or of its constituent parts, occasion no appreciable difference.

A writer of much distinction and great research, Jacob, in his history of the precious metals, advances, indeed, an opinion adverse to the above, in regard to the capacity of fine gold to resist waste by attrition in use. No reference is, however, made to the data on which this opinion is stated. It is, on the whole, believed that the prevailing impression on this subject, confirmed by the ample experiments alluded to, and conformable to analogy, may be regarded as correct.

In another respect, which also belongs to the question of durability, fine gold is found less adapted to the purposes of a coin than when alloyed as above mentioned. Its softness and flexibility render it liable to have the devices and inscriptions defaced or obliterated, and its form distorted by the pressure to which it is occasionally exposed in use, independently of any loss of substance.

It is further to be observed, that nature presents us with no gold in a pure state, but always associated with an alloy, exceeding in quantity, generally, that of our present standard, and consisting chiefly of silver and copper. The separation, moreover, of the last minute portion of silver from gold is only to be effected with great care, and by processes involving an expense for which the silver, when recovered, is no equivalent; so that the cost of rendering the gold pure, would be greater than the value of the silver retained as a constituent of its alloy.

The above considerations appear to render it inexpedient to use pure gold alone in coinage. All nations, it is believed, retain in their gold coins, at the present time, a portion of silver. The celebrated ducat gold, the most pure employed in currency, usually contains silver in the proportion of one-eighth to one-half of a carat.

The only other metal usually employed as an alloy for gold is copper. This, as before mentioned, is also found in native gold, and its use to supply the deficiency of alloy when gold is above a given standard, is recommended by the circumstance, that there is no metal so economical as copper for this purpose, that can be employed in a gold coinage, in the requisite proportion, without rendering the metal too fragile, or impairing, in a greater degree, its resemblance to fine gold.

The above considerations appear sufficient to recommend the employment of an alloy in the coinage of gold, and the selection of silver and copper as the most suitable materials for that purpose. The proportion of the whole alloy to the fine gold, will have regard more especially to the durability of the coin, while the proportion of its constituent parts may be adjusted with the reference to the complexion of the coin, and their tendency to maintain, in a good degree, that complexion in circulation.

In regard to the durability of the coin, it is believed to be established by the experiments before referred to, that a gold coin alloyed with about one-twelfth of its weight of silver and copper combined, resists the effects of attrition at least as effectually as any other proportion; and that an alloy, slightly greater or less, is not sensibly inferior in this respect.

For the purpose of exhibiting the degree of approximation to the color of fine gold produced by various proportions of silver and copper employed as an alloy of a gold coin, a number of specimens of the quarter eagle are forwarded with this report, to which the House is respectfully referred.

*No. 1 consists of 61 7-8 grains of pure gold, being the quantity at present required in the quarter eagle.

No. 2 contains 61 7-8 grains of pure gold, and 5 5-8 grains of alloy, making 67 1-2 grains the weight of a quarter eagle of our present standard. The alloy in this specimen consists of silver alone.

No. 3 is of the same weight and fineness as No. 2, but alloyed with silver and copper in equal proportions.

No. 4 is of the same weight and fineness as the preceding, but alloyed wholly with copper.

No. 5 weighs 66 grains, of which 59.4 grains consist of pure gold, and 6.6 grains of alloy; which alloy consists of silver and copper in equal proportions.

No. 6 is of the same weight and fineness as the preceding, but alloyed with silver and copper in the proportion of one part of the former to two parts of the latter.

The first four specimens are of the intrinsic value of our present quarter eagles. The fifth and sixth are conformable to a coinage in which the eagle would contain 264 grains of standard gold, consisting of 237.6 grains of pure gold, and 26.4 grains of alloy. This would correspond to a proportional value of gold and silver of 15.625 to 1—an alloy in the decimal proportion of one-tenth of the standard weight being substituted for the present alloy of one-twelfth.

Of these specimens Nos. 2 and 4 are regarded as the least attractive, the former being of a complexion too pale, and the latter too high. Both of these defects frequently occur in foreign gold coins. Without being entitled to a preference on any account, gold coins thus alloyed are liable to special exception, as being more disposed to suffer a deterioration of color by use, than gold alloyed with any of the intermediate proportions of silver or copper.

Specimens Nos. 3 and 5, in which the alloy consists of equal parts of silver and copper, exhibit a more satisfactory approximation to the appearance of fine gold; which would be but little impaired by an increase in the proportion of copper to that of two parts to one of silver, as exhibited in No. 6. A higher proportion of silver in the alloy than one-half would not improve the coin either in regard to complexion or durability, and is objectionable as involving an expenditure of silver without an object. Gold readily gives up its silver to the ordinary process of parting within this limit.

Either of those proportions, viz. the one-twelfth, as in No. 3, or the one-tenth, as in No. 5, may be regarded as at least equal to any other combination of alloy with pure gold, in resisting loss from wear in circulation.

With respect to the continued brightness of the coin, an alloy of one-twelfth or of one-tenth, if constituted of silver and copper in equal proportions, as in Nos. 3 and 5, or in any inferior proportion of the former to the latter, not less than one-half, as in No. 6, appears to present the limits within which the object may be most satisfactorily attained. Gold thus alloyed is considered by the chief coiner of the mint, whose long experience gives much value to his opinion, as possessing great aptitude for bearing the various operations incident to coinage, and retaining its brightness well, under the ordinary exposure of a coin in circulation. No proportion of the constituent parts of the alloy, it is believed, would be in any sensible degree preferable in these regards, unless associated with a standard fineness, approaching so near to pure gold as to be liable to the exceptions before stated in regard to a coinage of that grade.

* The numbers are designated by minute points impressed on the reverse of each coin above the head of the eagle.

Of the two proportions of alloy, viz. the twelfth and the tenth of the standard weight, the latter, as represented in Nos. 5 and 6, is, after much reflection, regarded with preference. It is in no respect inferior to the alloy of one-twelfth, which is the present gold standard of the United States, while it is preferable thereto on some considerations entitled to regard, which have been transiently alluded to before, but demand now more particular notice.

The decimal proportion of 9-10 parts fine, and 1-10 part alloy, corresponds more nearly than our present standard with the prevailing fineness of gold presented for coinage. An average of all the gold assayed at the mint during the past year is found to contain 878-1000 parts fine, and 122-1000 parts alloy; which is nearly 2½ per cent. below the decimal standard in question, and more than 4 per cent. below the fineness of our existing gold coinage. The fineness of the gold coinage of Spain may be stated at 870-1000 parts fine, which is inferior to the above average. In the mint regulations of the Netherlands, adopted in 1816, the decimal standard of 9-10 parts fine has been preferred for gold. It is the established standard, both for gold and silver, in France, and appears likely to prevail in the neighboring countries. A late assay at the mint of the gold coins of fifteen Governments of Europe, gave an average within less than the half of one per cent. of this decimal standard. All were slightly inferior, but none of them so much as 1½ per cent. inferior. An inclination toward this proportion seems thence apparent as the prevailing tendency of European coinage.

By the existing mint regulations, definite proportions of the constituent parts of the alloy for gold are not prescribed; they are controlled only by the provision that the quantity of silver shall not exceed that of the copper. Experience has amply confirmed the expediency of some latitude in this respect. Exact proportions of the silver and copper could only be attained by a complex analysis and adjustment, not required for ascertaining the fineness of the gold, and unsuited to the current operations of the mint. A process much more facile determines the constituent parts of the alloy within the above limits. In the gold coins of all nations having a standard near to that of the United States, the variable proportions of silver and copper in the alloy are manifest on inspection.

Though a consideration of the proportion of alloy most fit to be employed in our silver coinage does not come within the terms of the resolution, it is respectfully observed, in regard thereto, that the standard of 9-10 parts fine would be preferable to the present proportions. This circumstance may be regarded as strengthening the considerations in favor of adopting the proposed modification of the gold standard. In the silver coinage it would be still more sensibly felt as an improvement. The alloy in the latter differs more than in the former from a suitable proportion.

The silver standard of the United States is at present unlike that of any other nation. It is below that of England, France, Spain, and the Netherlands, and most of the other Governments of Europe. It is inferior in fineness to the bullion received from commerce, which requires to be alloyed, at some expense, preparatory to coinage. The average of the silver assayed at the mint during the last year, including the various classes of foreign coins, was of about 914-1000 parts fine, which exceeds the fineness now suggested by about 1½ per cent., and exceeds the existing standard for silver by about 2½ per cent. The fineness of the bullion received in other forms than that of foreign coins, exceeds our present standard by more than 5 per cent. Deposites of silver, therefore, would require sensibly less alloy if the standard were raised to the fineness proposed. Another result, not undeserving of regard, would be secured by a change: the silver of the proposed standard would bear better the various processes of coinage.

In regard, therefore, to the expediency of changing the standard of our gold coinage, it is satisfactory to perceive that a similar change is admissible in the standard for silver with equal or greater advantage.

Our gold and silver coinage would thus be in harmony with each other, and conformable to our decimal system. The proportional value of the fine metal in the coins would be the same as the proportional weight of the coins themselves. The dollar in silver would counterpoise that amount in gold coins expressed by the ratio of the fine metals to each other: thus, if the proportional value of fine gold to fine silver were established at 15.625 to 1, a dollar of the improved standard, containing, as at present, 371.25 grains of fine silver, would weigh $15.625 in gold of the improved standard, and any multiple of these would be in equipoise.

All which is respectfully submitted.

SAMUEL MOORE,
Director of the Mint.

TABLE A.

	Proportional value of gold and silver by mint regulations.	Proportional value by assays of the actual coins.	
United States	15.00 to 1	15.00 to 1	
England	14.28 1	14.30 1	Mint assay.
France	15.50 1	15.48 1	Ditto.
Naples	15.20 1	15.24 1	Foreign assays.
Portugal	13.56 1	13.53 1	Mint assays.
Spain	16.00 1	16.48 1	Ditto.
Netherlands	15.87 1	15.81 1	Ditto.
Russia	15.00 1	15.25 1	Foreign assay.

TABLE B.

	Price of standard gold 22 carats in London, per oz.	Price of standard silver 11 oz. 2 dwts. in London, per oz.	Relative value of fine gold to fine silver in London.	Relative value of fine gold to fine silver in Paris.	Relative value of fine gold to fine silver in the United States.	Premium on gold in the U. States above ratio of 15 to 1.	Exchange on London, estimated par of $4 44.	Exchange on London, estimated par of $4 80.
	1	2	3	4	5	6	7	8
	£ s. d.	s. d.				Per cent.	Prem'm.	
1821	3 17 10¼	4 11	15.98 to 1	-	15.60 to 1	4	9	1 prem.
1822	3 17 8¼	4 11¼	15.88 1	-	15.82 1	5¼	11½	3½ do.
1823	3 17 6	4 11	15.90 1	-	15.80 1	2	7½	½ disc't.
1824	3 17 6½	4 11⅜	15.71 1	-	15.41 1	2¾	8½	½ prem.
1825	3 17 10	5 1	15.44 1	-	15.60 1	4	8½	¼ do.
1826	3 17 6	5 0	15.64 1	15.66 to 1	15.67 1	4½	9½	1½ do.
1827	3 17 6	4 11⅜	15.70 1	15.60 1	15.90 1	6	11	3 do.
1828	3 17 7	5 0	15.66 1	15.60 1	15.82 1	5½	10½	2½ do.
1829	3 17 9	4 11⅛	15.76 1	15.71 1	15.67 1	4½	9½	1½ do.
1830	3 17 9¾	4 11⅛	15.83 1	15.70 1	15.45 1	3	7½	½ disc't.
1831	3 17 10	4 11⅛	15.77 1	15.69 1	15.63 1	4¼	8¾	¼ prem.
1832	3 17 9½	4 11	15.96 1	15.79 1	15.70 1	4¾	9¾	1¾ do.
Average	3 17 8	4 11½	15.77 1	15.68 1	15.63 1	4 1-5	9¼	1¼ prem.

CORRESPONDENCE BANK U. S.—3 PER CENT. STOCK.

HOUSE OF REPRESENTATIVES, *December* 13, 1832.

Letter from the Secretary of the Treasury, transmitting the correspondence with the Bank of the United States upon the subject of the postponement of the payment of the three per cent. stock of the United States, &c. &c.

TREASURY DEPARTMENT, *December* 12, 1832.

SIR: In compliance with a resolution this day passed by the House of Representatives, directing the Secretary of the Treasury "to communicate to the House the correspondence with the President of the Bank of the United States, and the documents furnished by the latter relative to the arrangement made in Europe, on the part of the bank, for the postponement of the payment of the three per cent. stock of the United States: also, copies of all such letters and correspondence between the Secretary of the Treasury and the president of the bank, or its officers, as relate to the redemption of the three per cent. stock;" I have the honor to transmit copies of all the papers required.

I have the honor to be,
Very respectfully,
Your obedient servant,
LOUIS M'LANE,
Secretary of the Treasury.

To the Hon. the SPEAKER
of the House of Representatives U. S.

[CONFIDENTIAL.]

TREASURY DEPARTMENT, *March* 24, 1832.

DEAR SIR: It is believed that the means in the treasury will be sufficient to discharge one-half of the three per cents. on the 1st of July next; and it is proposed to give notice accordingly, on the 1st of April. It is not intended to determine, by lot, the certificates that are to be paid, but simply to pay one-half of every certificate on presentation at the proper loan office.

If any objection occurs to you, either as to the amount or as to the mode of payment, I will thank you to suggest it.

I shall be glad to be informed of the amount purchased under your direction; though it is not perceived that it can have any influence on the proposed measure.

As the purchases will cease on the appearance of the notice, it may be as well for you to direct the amount to be closed with the termination of the present month, and rendered to the treasury for settlement.

I am, dear sir,
Very sincerely and respectfully, yours,
ASBURY DICKENS,
Acting Secretary of the Treasury.

N. BIDDLE, Esq.
President of the Bank U. S.

BANK U. S. *March* 29, 1832.

SIR: I have received from the acting Secretary of the Treasury a letter of the 24th instant, apprising me that it is proposed to give notice, on the 1st of next month, of the intention of the Government to discharge one-half of each certificate at the proper loan office; and he has the goodness to add, that if any objection occurs to me, either as to the amount or as to the mode of payment, he would thank me to suggest it.

In reply, I have the honor to state, that, so far as the bank is concerned, no objection occurs to me; it being sufficient that the Government has the necessary amount of funds in the bank to make the contemplated payment.

In regard, however, to the community generally, and more especially to the debtors of the Government, there is a view of the subject which the inquiry renders it proper for me to present to your consideration. It is this: Owing to a variety of causes, but mainly to the great amount of duties payable for the last few months, there has been a pressure upon the mercantile classes, who have been obliged to make great efforts to comply with their engagements to the Government. That pressure still continues; and as it may be prolonged by the same cause—the amount of duties still payable during the next three months—this state of things seems to recommend all the forbearance and indulgence to the debtors which can be safely conceded. The inconvenience, then, of the proposed measure is, that the repayment of six or seven millions of dollars, more than one-half of which is

held in Europe, may create a demand for the remittance of these funds, which would operate injuriously on the community, and, by abridging the facilities which the debtors of the Government are in the habit of receiving from the bank, may endanger the punctual payment of the revenue, as the bank will necessarily be obliged to commence early its preparations for the reimbursement of so large an amount of public debt. My impression, therefore, is, that with a view to the safe and punctual collection of the public revenue, the Government would be benefited by postponing the proposed payment of the public debt to another quarter; at which time the country will sustain less inconvenience from the demands on foreign account, than would be felt at this moment.

In regard to the mode of payment, I should think it would be more agreeable to the stockholder to receive reimbursement of the whole amount of his certificate at one time, than to have it divided.

These suggestions are very respectfully submitted to your better judgment, by your obedient servant,

N. BIDDLE, *President.*

Hon. Louis M'Lane,
Secretary of the Treasury, Washington, D. C.

P. S. As an illustration of the effect of the measure proposed, I may mention that, in the month of February last, the collector of New York, with a laudable anxiety to protect the public revenue, applied to the bank to authorize an extension of loans in that city, in order to assist the debtors to the Government. This was promptly done. This I should desire to do again, as the payments to the Government during the next quarter will probably be very large. N. B.

Treasury Department, *July* 19, 1832.

Sir: It was not until to-day that I have been able to ascertain the amount of the appropriations made at the last session of Congress; and, therefore, I have not been able to decide, before now, upon the amount of the three per cents. to be redeemed on the 1st of October. I find, as was supposed when you were here, that we shall be able to pay off about two-thirds at that time. A notice will accordingly be given in to-morrow's papers for the payment of that amount on the 1st of October, and the remaining one-third on the 1st of January. This has been done with the understanding had between us, that if it should happen that the public moneys are insufficient to complete those payments, the bank will delay the presentation of any certificates of which it may have the control, until the funds are sufficient to meet them; the interest to be paid by the United States during the interval.

You will be pleased to indicate such transfers of funds as may be desirable, preparatory to the proposed payments.

I am, sir, very respectfully,
Your obedient servant,
LOUIS M'LANE,
Secretary of the Treasury.

N. Biddle, Esq.
President of the Bank U. S. Philadelphia.

Bank U. S. *July* 26, 1832.

Sir: I have had the honor of receiving your letter of the 19th instant, apprising me of your intention to reimburse two-thirds of the three per cents. on the 1st of October, and the remaining third on the 1st of January next. You further state that this course "has been adopted with the understanding had between us that, if it should happen that the public moneys are insufficient to complete those payments, the bank will delay the presentation of any certificates of which it may have the control, until the funds are sufficient to meet them; the interest to be paid by the United States during the interval."

The bank has taken the necessary steps to obtain the control of a considerable portion of these certificates, and will very cheerfully employ it in such a manner as may best suit the convenience of the Government.

I have the honor to be, very respectfully, yours,
N. BIDDLE, *President.*

Hon. Louis M'Lane,
Secretary of the Treasury, Washington, D. C.

Bank U. S. *October* 27, 1832.

Dear Sir: Having, in conversation to-day with Mr. Dickens, explained the arrangements in progress for the payment of the three per cents., he suggested that it would be agreeable to you to receive the same information. I therefore communicate it with great pleasure.

You are aware that the amount of public debt to be reimbursed within the three months from October to January, is upwards of fifteen millions, of which between eight and nine millions are held by foreigners. Under the most favorable circumstances, the displacement and conversion of so large a capital require great circumspection to avoid injury to the community. To concentrate so many scattered fragments of revenue at the points of disbursement; to reserve a great accumulation of funds, always at immediate command, yet not withdrawing from the public service; to prevent a scarcity of money, followed by a sudden abundance of it, and thus keep undisturbed the uniform current of business—these are objects to which the bank has always given a very anxious attention. Their inherent difficulty was increased, on the present occasion, by the prevalence of the cholera, which was already in New York and Philadelphia, and seemed destined to pervade the whole country, deranging, in its progress, all the relations of business, and threatening such a general prostration of commerce as would endanger the punctuality of private engagements, and put to great hazard the public revenue, of which the estimated receipts, from July to January, were about thirteen millions. To those who witnessed its ravages, it was manifest that a continuance of the pestilence, for a few weeks longer, would have thrown into great confusion the pecuniary affairs of the country; and have pressed, with peculiar force, on the public revenue, more especially as the demand on account of the foreign holders of three per cents. at New York and Philadelphia alone, on the 1st of October, would have exceeded five millions of dollars. Under these circumstances, the bank deemed it an imperious duty to avert, as far as possible, the effects of such a calamity, and to husband its means, in order to interpose, if necessary, for the relief of the community. It was determined, therefore, to reserve five millions of dollars for that purpose; and, accordingly, the foreign holders of the three per cents. to that amount, principally represented by the bank as their agent, were invited to leave the fund with the bank for a few months after the payment by the Government, receiving from the bank the same rate of interest. In the mean time, the funds for the payment of the five millions were accumulated in the bank, to be used as occasion might require.

Immediately on learning that the arrangement for the postponement was in part effected, the bank was enabled to resume and increase its accommodations to the public; and when, by the blessing of Providence, the pestilence was arrested, without having required any extraordinary interposition on the part of the bank, measures were taken to pay off, immediately, the whole of the three per cents. which it was originally intended to postpone, so far as they may be within reach of the bank. Those measures are in progress, and they will now be hastened,

since I learn from Mr. Dickens that the department is desirous of closing the account as soon as possible. The certificates will, no doubt, be transmitted without delay, and will be immediately paid.

The preparations for the payments in January are already in such a state of forwardness that we may safely calculate on the result which the bank has been anxious to produce, which is, that, in the course of the twelve months from January, 1832, to January, 1833, about twenty-three millions of the public debt will have been discharged, without causing the least perceptible disturbance of the business of the country.

Presuming that it may interest you, I enclose a copy of the correspondence on the subject of the three per cents., and also a copy of a letter to the office at New York, similar, in tenor, to those written to several other offices on being apprised of the arrangement with the European holders of the three per cents.

That arrangement, as you will perceive, was a precautionary measure to enable the institution to mitigate the severity of a great disaster; and, when the country was happily relieved from it, the means which the bank had provided for the occasion were applied to their appropriate objects.

I have the honor to be,
Very respectfully, yours,
N. BIDDLE, *President.*

Hon. Louis M'Lane,
Secretary of the Treasury, Washington, D. C.

Bank U. S., *July* 17, 1832.

Gentlemen: Being desirous of making some arrangement in regard to the reimbursement of the three per cent. stocks of the United States, and the time is too short to allow of prolonged correspondence, we have requested Thomas Cadwalader, Esq. to confer with you on the subject. Mr. Cadwalader has been long, and still is, a director of the bank, enjoying its entire confidence, and is personally well known to you. I will, therefore, merely refer you to him for particulars, and remain,

Very respectfully, yours, &c.
N. BIDDLE, *President.*

Messrs. Baring, Brothers, & Co., *London.*

Bank U. S., *July* 18, 1832.

Dear Sir: The probability that the spread of the cholera may occasion great embarrassment and distress in the community, makes it expedient for the bank to keep itself in an attitude to afford relief, should its interposition be necessary, and also to mitigate the pressure which the reimbursement of the three per cent. stock, held by foreigners, may produce in October next. The whole amount of this foreign stock is about seven million eight hundred thousand dollars, of which the bank is desirous of postponing the payment of about five million dollars. You will perceive, from the statement accompanying this letter, that the bank is the agent of Messrs. Baring, Brothers, and Company for upwards of three millions. For the postponement of that amount, with an additional sum of two millions belonging to residents in Europe, you are authorized to make an arrangement on the following terms:

1st. As to the time. It is not yet positively decided when the whole of the threes will be paid; and the proposed arrangement must, therefore, refer to that contingency, and be so modified as to fix a certain time after the period of redemption named by the treasury. You may make this postponement for six, nine, or twelve months after that period, and endeavor to preserve such an option as to time, as may enable the bank to diffuse the payment over as wide a period as possible of the term.

2d. As to the rate of interest. We presume, of course, that there will be no difficulty in continuing the loan, at its present rate of three per cent., without any further charge. Should you, however, find it more advantageous, instead of making the arrangements personally with the stockholders themselves, to employ the agency of any mercantile house to effect the object, you are authorized to allow a reasonable commission for their trouble. As you have already concluded, very satisfactorily, a similar arrangement, some years ago, and our personal interviews have made you very familiar with the whole subject, I will add, only, that

I am, very truly, yours,
N. BIDDLE, *President.*

Thomas Cadwalader, Esq., *Philadelphia.*

Bank U. S., *October* 15, 1832.

Gentlemen: I have had the pleasure of receiving your esteemed favors of the 22d and 30th of August, and 6th ultimo, and have been placed, by Mr. Cadwalader, in possession of the contract between him and your house, on the 22d of August last.

The care and attention which you have been good enough to exhibit on this occasion, furnish a new evidence of the zeal to promote the interest of the bank, which has uniformly characterized your house, and which has been always appreciated.

As you remark, in your letter of the 30th of August, that you wish to have the accounts disposed of as the bank may deem expedient, I take the earliest opportunity of inviting your attention to one part of the arrangement with which it will be impracticable for the bank to comply.

When the institution was chartered, at the close of the last war, the Government had a large debt which it proposed to pay, or to purchase up, out of the surplus revenue; and, in order to prevent any competition in these purchases, the charter expressly declares that "the bank shall not be at liberty to purchase any public debt whatsoever." The object of this provision would certainly not be counteracted by the present operation, since the Government has actually advertised the payment of the stock which is thus, in fact, no longer an object of purchase by the sinking fund. This circumstance, it probably was, which induced Mr. Cadwalader to regard the purchase of public debt, so situated, as not conflicting with the provisions of the charter. When, however, the stock was purchased in August and September last, it was still a subsisting debt: one-third of it will so continue until the 1st of January next; and even were the case less clear than it seems, the institution is, both from inclination and duty, disposed to give the most rigorous construction to its own powers. I am under the necessity, therefore, of apprising you that the bank cannot consider as purchased, on its own account, the three per cent. stock reported by you, in your favors of the 30th August and 6th ultimo, amounting to one million four hundred and seventy-four thousand eight hundred and twenty-seven dollars and thirty-three cents; and I have now to propose, for your consideration, the following substitute for that arrangement, which will, I trust, be mutually agreeable to both parties:

1st. It will be necessary to transmit, without delay, the whole of the certificates, with power of reimbursement; so that, in the first instance, the bank may receive payment for the owners. Without such payment, the bank is not in actual possession of the funds, which will not be passed to its credit until paid to the stockholders. This seems to be of immediate urgency, and I therefore request your early attention to it.

2d. When the stock is thus reimbursed to the stockholders, the portion which they have consented to postpone will

be passed to their credit on the books of the bank, and continue to bear an interest of three per cent. per annum, payable quarterly, until the 1st of October next, when the principal will be reimbursed. If it be necessary, on the delivery to you of the certificates, with powers of reimbursement, to substitute some other certificates on your part, as was done in the case of the Louisiana debt by you, you are hereby authorized to give to the parties a certificate for an amount equal to what they respectively surrender to you.

3d. The portion purchased by you will, in like manner, go to your credit when it is paid by the Government. At that time it will be for you to determine whether it shall continue to draw an interest of four per cent., (if that be the rate,) payable quarterly, or whether you would desire immediate payment. If your arrangements with others make it necessary or expedient for you to continue the loan to the bank for that period, we shall, with great cheerfulness, acquiesce in your views. If, however, it should be as consistent with your interest to receive reimbursement, the bank will be ready and willing to make it immediately. I mention this, because it may, perhaps, be convenient for you to provide funds in New Orleans for the instalments of the loan to the Union Bank, in which event you may consider the whole amount of your purchases of three per cents. or any portion of it, as immediately applicable to that object.

The wish to postpone the payment of some portion of the fifteen millions reimbursable between the 1st of October and the 1st of January, arose from the appearance of the cholera, which threatened to throw the business of the country into great confusion, and imposed on the bank the duty of keeping itself in an attitude of great strength, so as to interpose, if necessary, to relieve the community. The calamity having passed with less injury to the mercantile classes than was anticipated, the bank will not be called upon for any extraordinary effort, and would be content to pay, at once, the whole amount now in your hands. This would have the further recommendation, that it would relieve you from the payment of interest on the balance, which is probably equal to your purchases.

In either event, whether you wished to take immediate reimbursement, or continue the loan, it is presumed that the terms of the purchases will, under this change of the arrangement, be favorable to your interest, which we are always anxious to promote. Should it, however, happen that any pecuniary loss shall be sustained by you, in consequence of these purchases, the bank will, of course, make an ample indemnity for it. The commission stipulated upon the whole sum will not be, in any degree, affected by this change, but will continue as originally determined between Mr. Cadwalader and yourselves. You will readily believe that nothing but an imperious sense of duty would induce the institution to propose the changes in the arrangement, and we must rely on your habitual courtesy to excuse any additional trouble which they may occasion.

With great respect, yours,

N. BIDDLE, *President.*

Messrs. Baring, Brothers, & Co., *London.*

Bank U. S., *October* 19, 1832.

Gentlemen: The above is a copy of my respects of the 15th instant, since which I have had the pleasure of receiving, this morning, your favor of the 14th ultimo. To what I had the honor of writing on the 15th instant, the only addition which it seems necessary to make, is this: the bank, in order to close the account with the Government, is anxious to obtain the certificates. It is, however, possible that some of the holders who have agreed to the postponement may prefer retaining the certificates till the period of final reimbursement. The bank is very unwilling to give, either to these stockholders or to yourselves, any unnecessary trouble; and, should you find any reluctance on this score, you will please not to urge it, but leave the certificates in the hands of the stockholders, and we will endeavor to accomplish the object of the bank without possession of the certificates. Those for the stock purchased by yourselves, we shall be happy to receive by an early opportunity.

With great respect, yours,

N. BIDDLE, *President.*

Messrs. Baring, Brothers, & Co., *London.*

Bank U. S., *October* 2, 1832.

Dear Sir: The preparations for the payment of the public debt on the 1st instant, are so ample, that no inconvenience is apprehended from them at the bank, or any of its offices; and after all the immediate demands on that account are discharged at your office, it will still, in all probability, be very largely a creditor of the State banks in this city. This state of things naturally presents for consideration the course which the office should pursue towards them, and towards the community. In the present condition of the exchanges with Europe, there will probably be no demand for specie, and it would therefore be unnecessary to call upon the State banks for payment, in that form, of their balances, that being a measure to be avoided, unless to replace what may be taken from the office, should any demand be made upon it. But, while the balances continue thus heavily against the State banks, they will be unable or unwilling to do much business, and the office will therefore have an opportunity of giving to the community such facilities as these State banks have it no longer in their power to furnish. A large portion of the debt from them to the office may thus be absorbed in good paper, payable on or about the 1st of January next, when another payment on account of the public debt will be made. I therefore take the earliest opportunity, after ascertaining the probable demands against the bank on account of these payments, to submit to the consideration of the board the expediency of employing a portion of the surplus funds, now in the form of balances from the State banks, in the discount of such paper as may give facilities to the business of the city. The funds will be thus very usefully and profitably employed until they are wanted, and a great accumulation of bank balances be prevented.

Very respectfully, yours,

N. BIDDLE.

Isaac Lawrence, Esq.

President Off. D. & D. New York.

Treasury Department, *October* 31, 1832.

Sir: I have been duly favored with your letter of the 27th instant, and its enclosures.

That I may be better able to understand the arrangement made by the bank, through the intervention of Mr. Cadwalader and Messrs. Barings, in regard to the three per cents. held abroad, I will thank you for copies of the letters of the 22d and 30th of August, and 6th of September, and the contract of the 22d of August, all which are referred to in your letter to Messrs. Barings of the 15th instant.

I shall be glad, also, to be informed whether the certificates for upwards of three millions, for which, in your letter to Mr. Cadwalader of the 18th of July, you state the bank to be the agent of Messrs. Barings, have been forwarded at the loan office.

I am, sir, very respectfully, your obedient servant,

LOUIS M'LANE,

Secretary of the Treasury.

N. Biddle, Esq.

President Bank U. S., Philada.

BANK U. S., *November 5*, 1832.

SIR: I had the honor of receiving, on the 3d instant, your letter of the 31st ultimo, and, in compliance with the request contained in it, enclose herewith copies of the letters from Messrs. Baring, Brothers, & Co., of the 22d and 30th of August, and 6th of September, and also a copy of the contract of the 22d of August. I also add a copy of my letter to Messrs. Baring, Brothers, & Co., of the 31st ultimo.

In regard to the sum of three millions and upwards, of which the bank is the agent, its agency has hitherto been merely to receive the dividends, not the principal. Of that amount, there have been surrendered certificates for about $344,000 on the books at Philadelphia. The amount received at the other loan offices, I do not know. But the whole will, I presume, now shortly arrive.

I have the honor to be, very respectfully, yours,

N. BIDDLE, *President*.

Hon. LOUIS M'LANE,
Sec'y of the Treasury, Washington, D. C.

LONDON, *August* 22, 1832.

SIR: We have had the honor of receiving, from the hands of Mr. Cadwalader, the letter with which you favored us on the 18th ultimo, and in which you refer us to that gentleman for the particulars of an arrangement the institution was desirous of entering into in regard to the reimbursement of the United States three per cent. stock. You will no doubt learn from Mr. Cadwalader that no time has been lost in coming to an understanding with us as to the mode in which your views could be carried into effect; and the result of our communications with him has been a contract, of which, as he will no doubt send you a copy, it is not necessary we should say more than that we trust the board will perceive in it evidence of that earnest desire we at all times feel to put all our transactions with them on the same easy and liberal footing.

We trust you will excuse our observing that we conceive no question can now arise as to any extension of the ordinary credit which we hold at the disposal of the bank, as the liability to be called upon for large advances, for the above operation, either in the shape of drafts or purchases of stock, makes it absolutely necessary that the limit should be strictly attended to.

We have only to add, that we feel much flattered at this further proof of our possessing the confidence of the institution; and have the honor to be, sir, your obedient servants,

BARING, BROTHERS, & Co.

N. BIDDLE, Esq.
President U. S. Bank, Philada.

LONDON, 30*th August*, 1832.

SIR: In consequence of the personal communications we have received from General Cadwalader, we beg leave to inform you that we have secured and paid for the following parcels of United States three per cent. stock, viz.

20,000	
100,000	at 90
25,000	
25,000	"
21,000	at 90¼
80,000	at 91
$271,000	

And we have also made the following purchases, to be delivered immediately, viz.

10,000	
27,400	at 90¼
66,037 25	
100,000	
200,000	
200,000	at 90½
20,000	
$623,437 25	to be delivered before the 6th Sept.

We enclose a list of proprietors of United States three per cent. stock, who have consented to postpone the receipt of their principal until the 1st of October, 1833, the amount of their stock being, collectively, 342,646 dollars 68 cents.

As we are not acquainted with the manner in which the institution may desire to have these transactions managed, we have adopted the course of addressing you on the subject, that you may dispose of the accounts, &c. as you may deem expedient.

We have the honor to be your most obedient servants,

BARING, BROTHERS, & Co.

N. BIDDLE, Esq.
President Bank U. S., Philada.

LONDON, *6th September*, 1832.

SIR: We confirm what we had the honor to write to you on the 30th ultimo, and now annex a list of other proprietors of United States three per cent. stock, who wish to postpone the reimbursement of capital until October, 1833, making a total, with those already advised, of $1,609,707 42 purchases of the United States three per cent. stock on account of the institution. We conclude it may be more convenient to you to have the whole purchases up to the present date presented to the eye at one view, and we therefore enclose a detailed list, showing the total amount to be, - - - - $1,051,251 31
and purchases, but not yet delivered, - 364,994 05

We remain, sir, your obedient servants,

B. B. & Co.

N. BIDDLE, Esq., *Philadelphia*.

Messrs. Baring, Brothers, & Co., of London, and Thomas Cadwalader, of Philadelphia, on behalf of the Bank of the United States, agree, as follows, viz. For a commission of one-half per cent. on the amount, the said Baring, Brothers, & Co. agree—

1st. To invite the holders of the three per cent. stock of the United States to retain their stock until October, A. D. one thousand eight hundred and thirty-three; the bank engaging to pay the interest quarterly, until that time.

2d. To buy up the said three per cent. stocks on the best terms at which they can be obtained, both here and in Holland, at prices not exceeding ninety-one per cent. or as much higher as the running quarterly interest, in case of need. The cost of which stocks to be placed to the debit of the Bank of the United States, in a separate account, chargeable with whatever rate of interest Messrs. Baring, Brothers, & Co. may be compelled to pay. The certificates of stock so purchased to remain with Messrs. Baring, Brothers, & Co.

3d. In case the amount of stocks so purchased, and the amount that may be retained by the holders, as above, should, together, be less than the sum of five millions of dollars, then Messrs. Baring, Brothers, & Co. agree to make up the deficiency, in case the bank should find it desirable to draw for such deficiency, or any part thereof; on which sum or deficiency Messrs. Baring, Brothers, & Co. to charge the same interest as in their general account with the bank. The whole advances to be reimbursed by the Bank of the United States, in October, A. D. one thousand eight hundred and thirty-three.

Witness the hands of the said parties, at the city of

London, the 22d day of August, A. D. one thousand eight hundred and thirty-two.

BARING, BROTHERS, & Co.
T. CADWALADER.

Signed in presence of us,
JAMES STEWART RINGER,
FRAS. WM. GENTRY.

BANK U. S., *October* 31, 1832.

GENTLEMEN: My last respects were of the 19th instant; since then we have understood that the Treasury Department is desirous of closing the accounts of the foreign holders of three per cents., a circumstance which increases our own anxiety to receive the certificates without delay, and induces me to request that you will have the goodness to give every facility to the transmission of them.

In regard to those purchased by yourselves, there can, we presume, be no difficulty; and as to those stockholders with whom you have agreed to postpone the payment, you will find, we trust, no indisposition to make the arrangements suggested in my letter of the 15th instant for the delivery of their certificates. Should, however, any difficulty occur, it would be agreeable to the bank if you could obviate it, either by causing the certificates to be sent to the bank for immediate reimbursement, or, if necessary, by purchasing the certificates on your own account, in the same manner as was done with those previously purchased, and taking your reimbursement in the mode most agreeable to yourselves. The whole subject is committed to your good judgment, with the respects of your obedient servant,

N. BIDDLE, *President.*

Messrs. BARING, BROTHERS, & Co., *London.*

HALF PAY—BOUNTY LAND, &c.

HOUSE OF REPRESENTATIVES, *January* 23, 1833.

Letter from the Secretary of War, transmitting the information required by a resolution of the House of Representatives of the 10th instant, in relation to half pay, bounty land, &c. to certain officers of the revolution.

DEPARTMENT OF WAR, *Jan.* 22, 1833.

SIR: In compliance with the resolution of the House of Representatives of the 10th instant, directing the Secretary of War to report to that House "what construction has prevailed with the accounting officers, as to the words 'all military officers,' used in the resolve of the 15th of May, 1778, relative to half pay, and the reasons for such construction; whether they have been deemed to apply to officers of the line only, or have been extended to those of the engineers, invalid artificers, Lee's legion, and other distinct and independent corps; whether there was any specific promise of land, or half pay, either to Lee's legion, the corps of engineers, or artificers, commanded by Colonel J. Baldwin; what discrimination, if any, was made in the organization of the two last corps; and whether, in both, the promotion of officers was not confined to the corps respectively; and whether these corps were not component parts of the eighty-eight battalions raised to serve for 'during the war,' under the resolve of the 16th of September, 1776, specifically referred to in the resolve of the 12th of November, 1779; and which of the officers of either corps have obtained land, or half pay, or commutation of half pay;" I have the honor to enclose reports of the Third Auditor, and the officer in charge of the bounty land bureau, which contain the information required.

I have the honor to be, very respectfully,
Your obedient servant,
LEW. CASS.

Hon ANDREW STEVENSON,
Speaker of the House of Representatives.

TREASURY DEPARTMENT,
Third Auditor's Office, 18th January, 1833.

SIR: The resolution of the House of Representatives of the United States of the 10th instant, and which was referred to me by you on the 11th instant, for a report thereon, directs the Secretary of War to report to the House—

1st. What construction has prevailed with the accounting officers as to the words "all military officers," used in the resolve of the 15th of May, 1778, relative to half pay, and the reasons for such construction.

2d. Whether they have been deemed to apply to officers of the line only, or have been extended to those of the engineers, invalids, artificers, Lee's legion, and other distinct and independent corps.

3d. Whether there was any specific promise of land or half pay, either to Lee's legion, the corps of engineers, or artificers, commanded by Colonel J. Baldwin.

4th. What discrimination, if any, was made in the organization of the two last corps; and whether, in both, the promotion of officers was not confined to the corps respectively; and

5th. Whether these corps were not component parts of the eighty-eight battalions raised to serve for "during the war," under the resolve of the 16th of September, 1776, specifically referred to in the resolve of the 12th of November, 1779; and

6th. Which of the officers of either corps have obtained land, or half pay, or commutation of half pay.

In relation to the first branch of the resolution, I have the honor to furnish a copy of a report made to Congress by the commissioner of army accounts, on the 25th of August, 1786, and which embraces the report of a committee of Congress on "the memorials of several officers of the late corps of artificers, praying that, in settling their accounts, they be allowed the commutation of half pay, as founded on justice, or on the acts of Congress," and which report contains the best explanation that I have been able to find of the construction that was given by the accounting officers to the words "all military officers," used in the resolve of the 15th of May, 1778, relative to half pay, as well as the reasons for that construction.

Understanding the second branch of the resolution to have in view the ascertainment whether or not the officers "of the engineers, invalids, artificers, Lee's legion, and other distinct and independent corps," have been allowed half pay, or commutation in lieu thereof, I have to state, that, in accordance with the resolve of the 22d of March, 1783, commutation has been allowed to "corps not belonging to the lines of particular States, and who are entitled to half pay for life," amongst which were the corps of engineers, of invalids, Lee's legion, and Armand's corps.

In relation to the third branch of the resolution, I have to state, that, in the resolution of Congress of the 21st of October, 1780, making provision for a new arrangement of the army, "two partisan corps" are provided for, one of which was to be commanded by Colonel Armand, and the other by Major Lee: and, by said resolution, all the officers who should serve to the end of the war were promised half pay for life, and, of course, half pay was promised to the officers of said partisan corps. By the resolution of the 14th of November, 1780, "the officers of the engineering department" were "put on an equal establishment with the officers of the line." No promise of half pay appears to have been made to the officers of the corps of artificers commanded by Colonel Baldwin; on the contrary, they are excluded from the allowance. (See resolve of 16th of November, 1779.)

In relation to the fourth branch of the resolution, I have to state that it appears, by the resolution of the 11th

of March, 1779, the engineers were formed into a corps, and styled the "corps of engineers," and were to "take rank, and enjoy the same rights, honors, and privileges, with the other troops on the continental establishment;" and that they were to "take rank in their own corps according to the dates of their respective commissions." By the resolve of the 12th of November, 1779, the "eleven companies of artificers raised by the quartermaster general" were to "be reformed, and incorporated and arranged in such manner as the commander in chief shall deem proper." By the same resolve, the officers, on receiving their commissions, were to have "rank only in their own corps," and "to hold regimental courts martial in cases that concern their own corps only, and are usually cognizable by regimental courts martial of the line."

In regard to the fifth branch of the resolution, I have to state, that I infer from the report of the commissioner of army accounts of the 25th of August, 1786, (herewith transmitted,) that the provision in the resolution of the 12th of November, 1779, "that the officers and men of the said corps (artificers) be considered as part of the quotas of the eighty battalions, as apportioned on the several States to which they respectively belong," was not considered, either by the commissioner of army accounts, or by Congress, as forming "component parts of the eighty-eight battalions raised to serve for 'during the war,' under the resolve of the 16th of September, 1776," in such a sense as to entitle them (the officers of the corps of artificers) to the grant of half pay or commutation.

In relation to the sixth and last branch of the resolution, I have to state, that I cannot find that any officer of the artificers, commanded by Colonel Baldwin, has obtained "half pay, or commutation of half pay;" on the contrary, the report of the committee of Congress embraced in the report of the commissioner of army accounts of the 25th of August, 1786, closes with a resolution, that the officers of the "late corps of artificers" were not entitled to it. Officers of engineers have received commutation.

With great respect,

PETER HAGNER, *Auditor.*

Hon. Lewis Cass,
Secretary of War.

REPORT.

Office of Army Accounts,
New York, August 25, 1786.

The commissioner for settling the accounts of the late army of the United States, to whom was referred the petition of A. Baird, requesting the commutation, in lieu of half pay for life, as a deranged surgeon in Baldwin's corps of artificers, begs leave to report:

That Doctor Baird founds his claim on the resolution of January 17th, 1781, granting generally the half pay to the hospital department; and that of May 3d, 1782, granting the same particularly to a surgeon of artificers.

That Congress did, on the 19th of October last, refer to your commissioner a report made by a committee of Congress on the petition of sundry officers of the late corps of artificers for half pay or commutation, which report your commissioner was directed to take order on, and is in the following words, viz.

"The committee, consisting of ——, to whom was referred the memorials of several officers of the late corps of artificers, praying that, in settling their accounts, they be allowed the commutation of half pay, as founded on justice, or on the acts of Congress, beg leave to report:

"That the claims of those officers do not appear to be founded on the usage of nations, nor in equity. They believe that half pay has been allowed to military officers, partly from a regard to the hardships and personal dangers to which they were exposed, but chiefly from a consideration that, by long continuance in the military line, they may have lost those habits by which they formerly had been enabled to provide for themselves or family; which reasons do not apply so fully to the officers of artificers.

"Your committee are of opinion that their sole rule on this occasion must be the acts of Congress respecting the officers in the corps of artificers; and they do not find any resolution by which they are entitled to half pay or commutation; on the contrary, they seem to be expressly cut off from any such claim.

"The original act of Congress of May 15, 1778, by which half pay was promised for seven years, confined the same to military officers, which certainly did not include the artificers; and your committee are of opinion that, in all subsequent acts which relate to half pay, the same denomination of officers must be intended, unless in cases where other officers are expressly mentioned. Surely, the act of October 2d, 1780, promising half pay to officers who might be deranged, never could be construed as giving half pay to any class of officers who had no claim to half pay, had they continued in service to the end of the war. If any doubts could have arisen whether the artificers were intended in the promise of half pay, it must be fully removed by the act of the 16th of November, 1779: it was then resolved that it be recommended to the several States to allow the corps of artificers established by Congress on the 12th instant, all the benefits provided for officers and soldiers in the line of their quotas of the continental battalions, except the half pay. After this pointed and express exclusion of those officers from the allowance of half pay, your committee are of opinion that nothing but a subsequent promise, equally pointed and express, can give them a title to the same. None such has been made; wherefore they submit the following resolve: That the officers of the late corps of artificers in the service of the United States are not entitled to half pay, or the commutation for half pay."

Your commissioner therefore supposes that he is not warranted to grant the commutation to the memorialist, unless he has the direction of Congress.

J. P.

Charles Thomson, Esq.
Secretary of War.

Department of War,
Bounty Land Office, January 21, 1833.

Sir: So far as information appears to be required from this office, by the resolution of the House of Representatives of the United States of the 10th instant, referred to this office on the 19th instant, to report thereon, I have the honor to state, in reference to the inquiries "whether there was any specific promise of land, either to Lee's legion, the corps of engineers, or artificers commanded by Colonel J. Baldwin," that the two first named being military corps on the continental establishment, the officers attached thereto were embraced in the several resolves of Congress providing bounty lands for such of them as continued in service to the close of the war.

No returns exist in this office of the names of the officers of the corps of artificers commanded by Colonel J. Baldwin; nor does it appear that land warrants have issued to any of the officers of that corps, except to Samuel A. McCoskey, surgeon, and William McCoskey, surgeon's mate; and these issues appear to have been made in virtue of the resolution of Congress of the 3d of May, 1782, as follows: "Resolved, that, as the dispersed situation of the corps of artificers, commanded by Captain Wyley, will no longer require the services of Dr. A. McCoskey, and Dr. William McCoskey, his mate, they be considered as reduced and retiring from the service on the 10th instant, and the surgeon be entitled to all the emoluments

heretofore allowed to reduced regimental surgeons;" from which it would appear that these officers had been retained in service until the 10th of May, 1782, being a period of more than thirteen months after the corps of artificers commanded by Colonel J. Baldwin had been dissolved under the resolution of Congress of the 29th of March, 1781, by which resolution it is explicitly declared that "all officers of the regiment of artificers not retained by virtue of these resolutions, be no longer considered in the service of the United States." The officers retained by the resolution just referred to, were, it is believed, incorporated with the reduced corps of artillery artificers, and continued in service; the names of some eighteen or twenty of whom are returned on the records of this office as being entitled to, and as having received, bounty lands from the United States.

The officers of the regiment of artillery artificers, being attached to the artillery in the field, were, it is believed, considered military officers: hence, those of them who served to the end of the war were embraced in the resolves of Congress providing bounty lands. The duties of the officers of the corps of artificers being (as it is believed) confined to the superintendence of workshops, laboratories, &c., and to the control and direction of the artisans attached thereto, and not being required to act in the field, were not, it is presumed, considered military officers. Their names were therefore not returned on the list of officers on file in this department, among those entitled to land bounties from the United States. Had they been considered military officers, it is presumed that Congress, when, by their resolution of March, 1781, they declared the corps of artificers "dissolved, and no longer in the service of the United States," would at that time have designated them as reduced and supernumerary officers, and, as such, entitled to all the emoluments in land and half pay. That Congress did not so consider the officers of that corps, is manifested by the discrimination made in the cases of the two Doctors McCoskey, before referred to. If the surgeon of that name (surgeons' mates not being entitled to half pay) had been considered, at the time of the dissolution of that corps, (to which he then belonged,) as entitled to "all the emoluments heretofore allowed to regimental surgeons," further legislation in behalf of that officer would have been superfluous.

The records of the War Department, from the earliest period succeeding the war of the revolution, exhibit no amount of bounty land to an officer or private of the corps of artificers, except in the two cases referred to in the aforegoing. This fact indicates the construction applied to the resolutions of Congress, in reference to that corps, by the individual who first presided over the department, who was himself an officer of the highest grade in the army.

I have the honor to be, very respectfully,
Your obedient servant,
WM. GORDON.

The Hon. Secretary of War.

NORTHWESTERN INDIANS.

House of Representatives, *March* 2, 1833.

Letter from the Secretary of War, transmitting a copy of a report of Schoolcraft's expedition among the Northwestern Indians.

Department of War, *March* 2, 1833.

Sir: I have the honor to transmit a copy of the report of Henry R. Schoolcraft, Esquire, of the expedition performed by him among the northwestern Indians, last year, under orders from this department.

Very respectfully, your obedient servant,
LEW. CASS.

Hon. Andrew Stevenson,
Speaker of the House of Representatives.

Office Indian Affairs, Northwestern Agency,
Sault Ste. Marie, December 3, 1832.

Elbert Herring, Esq

Indian Bureau, Washington:

Sir: The condition of the Indians, situated in the area of country traversed by the St. Croix and Chippewa rivers, has not essentially varied since the date of the report which I had the honor of transmitting to the department on the 22d of September, 1831. I beg leave now to solicit your attention to the observations made during my recent visit to the bands living northwest of that point in our geography.

From a very early period war has existed between the Chippewas and Sioux; and although the condition of independent bands, separated by local position and local interests, has produced intestine feuds, they have united in defending their respective frontiers, and have not hesitated to make inroads into the hunting grounds of each other whenever circumstances have favored them.

The Chippewas assert that their warfare has been one of self-defence, and that their inroads have been the inevitable consequence of a successful assertion of their territorial rights. The Sioux complain that their hunting grounds have been intruded on, and that they cannot restrain their warriors. Each party lays claim to the title of forbearance and generosity. Neither appears to omit any opportunity of inflicting injury on the other. Every blow is a fresh invitation to aggression. A state of perpetual insecurity and alarm is the consequence. Time has exasperated their feelings; and much of the severity of their condition is owing to the pertinacity with which the contest is kept up.

In this state the Chippewas, who are particularly the object of this report, were found, in 1806, by our Government, who, in that year, directed the late General Pike to visit the Upper Mississippi. Owing to their remote position, little attention was, however, bestowed upon them until the summer of 1820, when Governor Cass, who then administered the Government of Michigan, conducted an expedition through the country. By his recommendation, a military post and agency was established on the avenue of their trade at the foot of Lake Superior, and the usual means adopted to regulate the trade and intercourse of our citizens with them. They were counselled to remain at peace, to intermit their visits to the Canadian posts, and to pursue their usual occupations on their own lands. It was immediately found, however, that the force of their hostilites fell upon their western frontier, where they bordered on the Sioux, and where the dispute respecting territorial boundary gave scope to continual and afflicting aggressions.

In 1825 the Chippewas were invited to meet the other tribes in a general council at Prairie du Chien, which, after a full discussion, resulted in a treaty of limits. This treaty was fully explained to the northern Chippewas, convened at Fond du Lac in 1826, and assented to in a treaty signed at that place. The following season delegates of this nation, living on its southern border, attended, and became parties to the treaty of Butte des Morts, on Fox river, in which the subject of boundaries was finally carried out and adjusted between themselves and the Menominees and Winnebagoes. With the latter tribes, there has been no subsequent dispute respecting limits; but the delineation, on paper, of the extensive line between them and the Sioux, without an actual survey and marking of it, gave rise to difficulties on that frontier, and the pretext was thus given for renewed aggressions. Several instances of these have been reported from this office to the department. The hardships of a people short of resources were thus increased, and those citizens who were licensed by the Indian office to carry on trade, com-

plained of losses and want of protection. Many of the former, and several of the latter, fell in their conflicts, or lost their lives through circumstances connected with them.

During the summer of 1830, I was directed, personally, to visit the Indians, to endeavor to restore peace among them. It was not practicable to carry the instructions into immediate effect. A part of the following year was employed in visiting the bands intermediate between Lake Superior and the Mississippi, below the mouth of the St. Croix, with results which have been communicated to the department. Instructions were issued, in the spring of 1832, for extending the visit, and embracing as many Indians on the heads of the Mississippi, as circumstances would permit. This brings the sketch which I have offered of the efforts made by the department to place the Chippewas and Sioux on a footing of peace, to the date of the instructions under which I performed my late tour to the sources of the Mississippi; and I will now proceed to detail such of its results as relate to the subject.

It will be recollected that, during the previous visit, general councils were held with the Chippewas at Chegiomegon, at Yellow river, at Lac Courtourelle, and at Rice lake, on the Red Cedar fork of the Chippewa river; that the subject of the treaty of peace and limits of 1825 was distinctly brought home to the chiefs, and their promises obtained to use their influence in keeping their warriors at peace; that messages were despatched by them to the principal Sioux chiefs, expressive of these sentiments, accompanied with messages from myself; that a Chippewa war party was encountered, and its objects frustrated, and the subject of limits on the Red Cedar fork referred by them to the President, with a request that he would use his influence to keep the Sioux at peace. From all which, auspicious results were anticipated.

I had the satisfaction to find, in the progress of my visit the present year, that these measures had been productive of the best effects; that the fall and winter of 1831 had passed without any war parties going out of the region of the Chippewa and St. Croix rivers; that a peace council had been held by the Chippewas of the Folk Avoine, and the Sioux of the Petit Corbeau's band, which was also attended by the Upper Snake river Indians, and by deputations of the Mille Lac and Fond du Lac Chippewas, and that my counsels and admonitions had been extensively spread.

On casually meeting a party of Indians and traders at the Portail on Lake Superior, (June 11th,) I heard of the existence of a feud at Lac Courtourelle, which had, during the previous winter, resulted in the murder of a Canadian named Jean Baptist Brunet; at Long lake, the murder of an Indian boy by the son of Mozojeed, the chief of the band. That the murderer had been apprehended by the Chippewas and traders, and brought out as far as the carrying place on the head of the Mauvais river, where he escaped.

On reaching the trading post of Keweena bay, (14th,) I met Pizhickee, the chief of Lapointe, with several men, going out to visit me at the Sault. He made a speech, and presented me a pipe in token of his friendship. There was, also, at this place, the old speaker, Mizi, on his way, with a considerable retinue, to Penetanguiashine, the British post on Lake Huron. I here learned the death of Mosobodo, the chief of Lac du Flambeau, and that his brother, the White Crow, a man of inferior merit, had succeeded to the chieftainship, and was forming a war party to descend the Chippewa river against the Sioux.

I reached the Ontonagon on the 19th, and found Mushcosween, or the Moose's Tail, an elder brother of the White Crow of Lac du Flambeau, and Mozojeed, the chief of Lac Courtourelle, encamped with their followers, being all on their way to visit me at the Sault. No further information was obtained of the state of affairs at Lac du Flambeau, except that a trader had clandestinely visited that post from the Mississippi with whiskey.

Being nearest the theatre of the Sac disturbances, I felt much anxiety to be particularly informed of the state of feeling in this numerous, warlike, and hitherto disaffected band. This, however, I was left to infer from the studied silence or affected ignorance of Mushcosween.

Mozojeed gave me reason to be satisfied that the Chippewas of his quarter were quite friendly, and that no disposition was felt to sanction, far less to aid, the confederate Sacs and Foxes in their schemes. He regretted the murders that had taken place in his vicinity during the winter, which he said arose wholly from private jealousies and bickerings. He said he lamented the folly of the young men of his village who had committed the murders. He could not prevent it. He could not see through the trees—alluding to the difficulty of foreseeing and governing the acts of people at a distance. He could not absolutely govern those in his own village; but these murders were committed at Long lake, and not at Ottawa lake, where he lived. He said that the murderer of Brunet had been apprehended by the joint advices of himself and those who had grown old in wearing medals, (meaning the elder chiefs;) but he had escaped on the Mauvais portage. From that point the chief called Miscomonedo, or the Red Devil, and his people, had returned, saying that they would punish the fugitive. With respect to the murder committed by his son, he said that he had come out to give himself up for it, to be dealt with as might be dictated. He stood ready to answer for it. And he awaited my decision respecting it, as well as the other murder. He concluded his address by presenting a stealite pipe.

Soon after passing Presque Isle river, (20th,) we met Mr. Warren and his brigade of boats on his annual return from his wintering ground. He confirmed the reports heard from the Indians, and added also, that a trader from the Mississippi had entered the St. Croix river, and introduced whiskey among the Chippewas of Snake river. Mushcosween followed me, with others, to Chegiomegon or Lapointe, became a sharer in the presents distributed there, and presented, at the conclusion of a speech, in which he expressed himself in decidedly friendly terms, an ornamented otter skin pouch.

At the mouth of river Broula, I encountered Oza Windib, or the Yellow Head, and Manitogooz, or the handsome Enunciator, two Chippewa chiefs from the Cassinian source of the Mississippi, being on their way to visit me at the seat of the agency. They reported that the Indians at Leech lake had raised a war party, about one hundred strong, and gone out against the Sioux of the Plains. Both these Indians returned with me to Cass lake. The former guided me from that remote point to the source of this river.

On reaching Fond du Lac, (23d,) I found the Indians at that post assembled preparatory to the departure of the traders of the Fond du Lac department. Mr. Aitkin represented that the Hudson's Bay clerks had been well supplied with high wines during the season of trade, which were freely used, to induce our Indians to cross the boundary in quest of them; and that, if the American Government did not permit a limited quantity of this article to be taken by their traders, part of the hunts would be carried to their opponents. His clerks, from Rainy lake, presented me a pipe with an ornamented stem, accompanying a speech of general friendship from Aissibun, or the Raccoon, and another, with similar testimonials, from the son of the late chief Ainakumigishkung, both of the Rainy lake band.

Mongazid, or the Loon's Foot, the second chief, and speaker of the Fond du Lac band, confirmed what I had previously heard of a peace council having been held on

the St. Croix with the Petit Corbeau's band of Sioux. He said that Kabamappa was at the head of the Chippewa party, and had been the prime mover in this pacific attempt. That he had himself been present with eleven men of the Fond du Lac band, including the elder chief Chingoop.

Dr. Borup, a clerk in the A. F. Company's service, added, in relation to affairs on the Rainy lake border, that five chiefs had been invested with flags and medals by the British traders of Rainy lake; that eighty kegs of high wines were exhibited to the Indians at that post during the last season; that it was freely sent over the American lines, even within a few hours' march of Leech lake, having been sent west of the portage into Turtle lake.

We had now reached the head of Lake Superior. Our route thence to the Mississippi was up the river St. Louis, and across the Savanne portage. We reached the trading house at the junction of Sandy lake river with the Mississippi, during the afternoon of the 3d July, and remained at that place until six o'clock in the evening of the 4th. The Indians here confirmed the report of a war party's having gone out from Leech lake. All accounts from that quarter indicated a state of extreme restlessness on the part of that band, and also among the Yanctons and Sessitons, with whom they usually war.

Inincewi, or the Manly Man, acted as a speaker at the council I held on the west bank of the river. He mingled, as is common, his private affairs with his public business. He said he was not possessed of the authority of chieftainship, but that his father, Kabigwakoosidziga, had been a chief under the English Government; that Chingoop, the chief of the Fond du Lac, was his uncle, and Chaimes, our guide, his nephew. He said that the Gross Guelle, and most of the chiefs and hunters of the place, had dispersed from their encampment, and were now passing the summer months in the country near the mouth of L'Aile du Corbeau, or Crow-wing river; that he would forthwith convey my message to them, &c. confirming his words with a peace pipe.

Having determined to ascend the Mississippi from this point, and being satisfied, from my Indian maps, that I could make a portage from Cass lake into Leech lake, and from the latter into the source of the Crow-wing river, so as to descend the latter to its junction with the Mississippi, I transmitted a message to the Gross Guelle to meet my with the Sandy lake Indians at Isle du Corbeau in twenty days, counting from the 5th. I then deposited the provisions and goods, amounting to twenty-six pieces,* intended for distribution at the council at Isle du Corbeau, with the person in charge of Mr. Aitkin's house, with arrangements to have the articles sent down the Mississippi in exact season to meet me there.

Relieved of this portion of the burden of transportation, we proceeded with more alacrity. We passed the falls of Pukaiguma on the 7th, and encamped at ———, the trading post at Lake Winnepec, above the savannas, on the 9th, having pursued the side route through Bogotowa lake. While encamped at Point aux Chenes, in the savannas, a Frenchman arrived from Leech lake, on his way to the post at Sandy lake. He reported that the war party had returned to Leech lake, bringing three Sessiton scalps, having, in their engagements, lost one man, a brother-in-law of the Guelle Plat's; that the Guelle Plat led the war party, and encountered the Sioux coming out against them. He also reported that the Sioux had scalped a Chippewa girl near Pembina; that they were pursued immediately by a party of Chippewas, overtaken in the act of constructing a raft to cross a stream, and four of the number killed and scalped. Finding the waters favorable for ascending, and that our progress had been much accelerated thereby, I sent a verbal message by this man to have the canoe, with supplies, destined for Isle du Corbeau, sent forward two days earlier than the time originally fixed. The clerk in charge of the post at Lake Winnepec, communicated a number of facts respecting the location and number of the Indians living in the middle grounds between that place and Rainy lake. I proposed to him the following questions, to which I have annexed his answers. 1. Do the Hudson's Bay clerks cross the American line from the post of Rainy lake for the purposes of trade? Answer. No: they furnish goods to Indians who go trading into the American territory. 2. Do the partners or clerks of the Hudson's Bay Company present flags and medals to Indians? Answer. Yes. 3. Do they give such flags and medals to Indians living within the American line? Answer. No: I have heard that they took away an American flag given to an Indian, on the United States borders of Rainy lake, tore it, and burnt it, and gave him a British flag instead. 4. Was the Hudson's Bay Company's post on Rainy lake supplied with ardent spirits last season? Answer. It was: they had about sixty kegs of high wines, which were shown to some of our Indians who went there, and Mr. Cameron, who was in charge of the post, said to them, that, although their streams were high from the melting of the snows, they should swim as high with liquor if the Indians required it. 5. What is the strength of the high wines? Answer. One keg is reduced to four. 6. Have the Indians sent out on Derwin by the Hudson's Bay Company, approached near to your post? Answer. They have come very near, having been on the Turtle portage with goods. 7. Did they bring liquor thus far? Answer. No: the liquor is kept at Rainy lake to induce the Indians to visit that place with their furs. 8. Did the disposition made of the liquor which the Secretary of War permitted the principal factor of the Fond du Lac department to take in last year, embrace the post of Winnepec? Answer. It did not: it was chiefly kept at Rainy lake, and on the lines, to be used in the opposition trade.

On reaching Cass lake, or Lac Cedar Rouge, (July 10,) I found a band of Chippewas resident on its principal island, where corn and potatoes are raised. They confirmed the reports of the murder, and the subsequent affray at Pembina, and of the return of the war party which went out from Leech lake. Some of the warriors engaged in the latter were from the island in Cass lake, including the person killed. His widow and her children attended the council, and shared in the distribution of presents which I made there. While encamped on this island, two of the Sioux scalps, which had been brought in as trophies on the late excursion, were danced, with the ceremonies peculiar to the occasion, on an eminence adjacent to, and within sight of my encampment. This painful exhibition of barbaric triumph was enacted without consulting me.

Finding it practicable, in the existing state of the waters, to visit the principal and most remote source of the Mississippi above this lake; I determined to encamp my men, and leave my heavy baggage and supplies on this island, and accomplish the visit in small canoes with the aid of Indian guides.

As the details of this expedition afford no political information of a character required by my instructions, beyond the observation of some evidences of a Sioux inroad in former years, and the statistical facts heretofore given, they are omitted.

It will be sufficient to remark, that the object was successfully accomplished under the guidance of Oza Windib. I planted the American flag on an island in the lake, which is the true source of the Mississippi, one hundred and forty-nine years after the discovery of the mouth of this stream by La Salle. I was accompanied on this expedition by Mr. Johnston, of the department, Dr.

* A piece, in the trade of the Northwest, consists of a bale, a bag, or any other parcel of the invoice made up for transportation on the portages, and in canoes.

D. Houghton, Lieutenant Allen, U. S. army, and the Rev. W. Z. Boutwell.

On returning to my encampment on the island in Cass lake, I explained to the Indians, in a formal council, the object of my instructions from the department, so far as these relate to their hostilities with the Sioux. I found the gross population of the island, which is called Grand Isle by the French, to be one hundred and fifty-seven, to whom I distributed presents of clothing, ammunition, tobacco, and some provisions. I invested Oza Windib with a flag and medal, finding him to be looked up to as the principal man in the band, and there being at present no one who claimed, or appeared to be as well entitled to the authority of chieftainship.

Neezh Opinais, or the Twin Birds, who received a medal from Governor Cass, through the intervention of his principal guide, in 1820, was formerly resident at this lake, but is now incorporated with the band at Red lake. I sent him a flag, accompanied with a formal message by his son, and acknowledged the receipt of a peace pipe and stem from Waiwain Jigun, of Red lake, sent out by him through one of the clerks of the American Fur Company. These attentions to the ceremonial messages of the Indians are of more importance, so far as respects their feelings and friendship, than might be inferred.

Cass lake is about sixteen miles long in the direction that the Mississippi passes through it, and may be estimated to be twelve miles wide, exclusive of a spacious prolongation or bay in the direction of Leech lake. It has four islands, two of which have been considerably cultivated. It is the second large lake below the primary forks of the Mississippi, and is decidedly the largest expanse assuming the character of a lake in its entire length covering a greater square of superfices than Lake Pepin. I directed one of the men to stretch a cord across its outlet, which he found to be fifty-four yards, and reported the depth at eight feet. I had previously directed a similar measurement of the Mississippi across the joint volume produced by the inlet of Sandy Lake river, and found the width to be one hundred and ten and one-third yards.

This lake also receives the tributary of Turtle river from the northwest. This is a small river, originating about thirty-eight to forty miles distant. From its source there is a series of portages, with intervening small lakes, by means of which goods are transported across the height of land separating the Mississippi valley from Red lake and Red river.

The Mississippi is but little used by traders going northwest beyond Cass lake, and not at all beyond Lac Traverse. It is found to take its rise nearly due west from Cass lake. In consequence, its source has seldom been visited even by the traders, whose highest point of temporary location is Pamitchi Gumaug, or Lac Traverse, estimated to be forty miles W. N. W. of Cass lake. And this point has been fixed on by Lieutenant Allen as the extreme northwest point attained by its waters.

Representations having been made to the department on the subject of foreign interference in the trade on this frontier, I here addressed a number of queries on the subject to a clerk* engaged in the American trade, who has been many years a resident of Red lake, and is well acquainted with the geography and resources of the adjacent country.† He replied that the inhabitants of Pembina made temporary voyages of trade to Voleuse, or Thief river, south of the parallel of forty-nine seconds, but that they had not built or made a permanent stand there. He said that the open nature of the country about the Red river settlements gave great facilities for making short excursions into the Indian country on horseback and in carts; but he did not know any place where permanent outfits had been sent, except to Riviere Souris, or Mouse river, west of Red river. He believed that this traffic was carried on exclusively by the inhabitants of the colony, and not by the Hudson's Bay Company. I asked him whether the Indians of the Lake of the Woods visited the post of Red lake, and whether our traders were annoyed in their trade from that quarter by the servants of the Hudson's Bay Company. He replied that the Lac du Bois Indians came across to Red lake ordinarily; that it is a three days' journey; but that no annoyance is experienced in the trade of that post from the Hudson's Bay Company factors. He is of opinion that they do not send outfits into any part of the territory south of the national boundary, beginning at Rat portage, on the Lake of the Woods.

Every assurance being given by the Indians that the portages of the overland route from Cass lake to Leech lake were not only practicable for my canoes and baggage, but that, by adopting it, a considerable saving would be made, both in time and distance, I determined on returning by it. The first portage was found to be nine hundred and fifty yards. It lies over a dry sand plain. A small lake, without outlet, is then crossed, and a second portage of four thousand one hundred yards terminates at the banks of another small lake, which has a navigable outlet (for canoes) into an arm of Leech lake. We accomplished the entire route from the island in Cass lake to the Guelle Plat's village, in Leech lake, between ten o'clock A. M. and ten o'clock P. M., of the 16th of July. Although the night was dark, and the Indians had retired to their lodges, a salute was fired by them, and an eligible spot for an encampment pointed out. It was so dark as to require torches to find it. The next morning, I found myself in front of a village numbering upwards of seven hundred souls. They renewed their salute. Fresh fish and berries were brought in, in abundance. The chief, Guelle Plat, sent his officiator* to invite Mr. Johnston and myself to breakfast with him. We found him occupying a comfortable and spacious log house of two rooms. During the repast, the room became filled with Indians, apparently the relatives and intimate friends of the chief, who seated themselves orderly and silently around the room. When we arose, the chief assumed the oratorical attitude, and addressed himself to me. He expressed his regret that I had not been able to visit them the year before, when I was expected. He hoped I had now come, as I had come by surprise, to remain some days with them. He said they lived remote, and were involved in wars with their neighbors, and wished my advice. They were not insensible of advice, nor incapable of following it. They were anxious for counsel, and desirous of living at peace, and of keeping the advice which had heretofore been given to them. They had been told to sit still on their lands. But their enemies would not permit them to sit still. They were compelled to get up and fight in defence. The Sioux continued to kill their hunters. They had killed his son during the last visit he had made to my office. They had never ceased to make inroads; and he believed there were white men among the Sioux, who stirred them up to go to war against the Chippewas. He named one person particularly. It was necessary, he continued, to take some decisive steps to put a stop to their inroads. This was the reason why he had let out the war party which had recently returned. This was the reason why I saw the stains of blood before me. (He alluded, in this expression, to the flags, war clubs, &c., which decorated one end of the room, all of which had vermillion smeared over them to represent blood.) I replied succinctly, stating the reasons which

* I inquired of him whether the American traders on that border were strenuously opposed in their trade by the inhabitants of the Red river colony, or by the partners and clerks of the Hudson's Bay Company.

† Louis Dufault.

* The Indian term, mishinowa, has this general meaning.

would prevent my making a long visit, and notified him that, in consequence of the length of my route yet to perform, I would assemble them to-day, (17th,) to a general council at my camp, as soon as I could be prepared. That notice would be given them by the firing of the military; and that I should then lay before them the advice I came to deliver from their great father, the President, and offer them, at the same time, my own counsels on the subjects he had spoken of.

During the day, constant accessions were made to the number of Indians from neighboring places. Among these was a party of Rainy lake Indians, under the leadership of a man named Wiawish the Geezhig, or the Open Sky. He represented himself and party as residents at Springing-bow-string lake; said that he had heard of my passing Lake Winnepec, with an intention to return by Leech lake, and came to express his good will, in the hope that he would not be overlooked, &c. I presented him, publicly, with a flag, and some clothing and tobacco for himself and party, committing to him a short address to be delivered to the Rainy lake Indians.

The Mukkundwar, or Pillagers, being present with their chiefs and warriors, women, and children, I displayed the presents intended for this band on blankets spread out on the grass, in front of my tent. I called their attention to the subjects named in my instructions; to the desire of the Government for the restoration of peace to the frontiers, and its parental character in directing the present expedition in carrying its benevolent objects into effect; reminded them of their solemn treaty of peace and limits with the Sioux, signed at Tipisagi,* in 1825; enforced the advantages of it in relation to their hunting, their trade, &c. &c. I presented the presents in bulk to the chiefs, who immediately directed their distribution.

Aishkebiggikozh, or the Guelle Plat, was their speaker in reply. He called the attention of the warriors to his words. He thanked me for the presents, which reminded him, in amount, of the times when the British held possession of that quarter. He pointed across an arm of the lake, in front, to the position occupied by the Northwest Company's fort. He said many winters had now passed since the Americans first sent a chief to that post to visit them; (alluding to Lieutenant Pike's visit in the winter of 1806 and '7.) He remembered that visit. I had come, he said, to remind them again that the American flag was flying in the land, and to offer them counsels of peace, for which they were thankful. They had hoped that I was to spend more time with them, to enter more fully into their feelings; but, as they must speak on the instant, they would not lose the opportunity of declaring their thoughts.

He thought that the advice of the Americans resembled a rushing wind; it was strong, and went soon; it did not abide long enough to choke up the road. He said that at the treaty of Tipisagi, it had been promised that the aggressors should be punished; but that they had even that very year, and almost yearly since, been attacked by the Sioux, and some of their nation killed. He said that they had even been fired on under the walls of the fort at Ishki Buggi Seepi,† and four of their party killed. He had himself been present. He handed to me a small bundle of sticks, which he said exhibited the number of Leech lake Chippewas, who had been killed by the Sioux since they had touched the quill‡ at Tipisagi. The number was forty-three.

He lifted up four American medals attached by a string of wampum, and smeared with vermillion; he said they were bloody; he wished me to wipe off the blood; he said he was himself unable to do it; he found himself irretrievably involved in a war with the Sioux; he said he believed that it had been intended by the Creator that they should be at war with this people; he was not satisfied with the result of the late war party; his warriors were not satisfied; he complimented their bravery; he disclaimed any merit himself; he said that they had looked for help where they did not find it; they were determined to revenge themselves. If the United States did not aid them, he had it in mind to apply elsewhere for aid. He clearly referred to, but did not name, the English Government in Canada. His warriors were in a restless state; he had sent out his pipe and invitations to the neighboring bands to continue the war; circumstances controlled him; he could not avoid it; his own feelings were enlisted deeply in the contest. When the enemy killed his son, he had resolved never to lay down the war club; he had sought for death in battle, but had not met it; all he now could say was, that, perhaps, he should not lead the next war party; he thought some other person would.

He accused persons on the waters of the Upper Mississippi of giving advice to the Sioux, to go to war against the Chippewas. He said it was the interest of persons in the trade to induce the Sioux to extend the territorial boundary northwest; he evinced a familiarity with the names of persons and places; he did not exempt some persons, officially connected with the Government in that quarter, from participating in this course of malcounsel.

He complained of the traders; he criticised their conduct with severity; he thought their prices exorbitant, and that they were so intent on getting furs that they did not deem it necessary to use much formality in their dealings with the Indians; he complained of the exclusion of ardent spirits, but, at the same time, admitted that formerly it was brought in to buy up their wild rice, a practice which left them, at the beginning of cold weather, in a destitute situation.

Much of the sentiment of this address appeared to be uttered for popular effect on the young warriors, who stood an eager, gazing group around, and made loud responses of approbation at every pause. Such parts of it as were not given as a reply to my remarks, or contained allusions entitled to notice, I replied to, aiming to keep their attention fixed on the great principles of the pacific policy which dictated the letter of instructions under which I visited them, and which I had distinctly laid before them on opening the council; and not meaning that they should forget them, nor mistake them, in any bursts of feeling, or appeals to the passions or prejudices of ardent young men, who only looked to the war path as the avenue to personal distinction, and who generally applauded their chiefs with a warmth proportioned to the plausibility of the pretexts they assigned to justify their young men's going to war, or to palliate their bad conduct towards the traders or the Government.

I brought these principles back to their minds, and enforced them by obvious appeals to some facts which it was impossible, equally, to deny or refute. I told the chief that his political sentiments should be favorably reported to the Government, whose object it was, in the employment of subordinate officers, to accumulate facts which might form the basis of future action.

So far as related to the traders withdrawing the article of whiskey from the trade, I felt it due to say that no hard feelings should be entertained towards them; that it was excluded by the office; that the Indians should, in justice, blame me or blame the Government, and not the traders; I was satisfied that the use of whiskey was very hurtful to them in every situation, and felt determined to employ every means, which the control of the agency of the northwest gave to me, to exclude the article wholly and rigidly from the Chippewas, and to set the mark of disapprobation upon every trader who should make the attempt to introduce it.

Having an engagement to meet the Sandy lake Indians

* Prairie du Chien.
† St. Peter's.
‡ Signature, is expressed by the ceremony of making their mark.

on the 21st, (after a lapse of four days,) and an unknown route to explore, I terminated the council, by the distribution of provisions to the Rainy lake Indians, guides, and chiefs; requested fresh guides for the route into the Cagagee or De Corbeau river, and immediately embarked. We encamped on the southern shore of Leech lake. During the following day, (the 18th,) we accomplished the whole route from this lake to the head waters of the De Corbeau. It consists of five portages of various length, separated by ten small lakes and ponds. The last of the portages terminates on the handsomely elevated banks on a lake called Kagi Nogum Aug. This lake is the source of this fork of the Mississippi. The Guelle Plat, with the secondary chief of his band, Magigaubowie, rejoined me at the commencement of the fourth portage, and accompanied me to my encampment; he said that he had many things which he still wished to consult me on, and spent the evening until twelve o'clock in conversation. I found him to possess a reflective and intelligent mind. He stated to me his opinions on the Sioux war, the boundary line, the trade, location of trading posts, &c.; he evinced the gratified feelings created by the circumstance of my visit to his people, and said he should visit me at the agency next year if his life and health were spared.

We commenced the descent of the De Corbeau on the 19th. The channel is, at first, small and winding; it expands successively into eleven lakes of various dimensions, and acquires considerable breadth and velocity before it forms its upper forks by the junction with the Shell river. We encountered, in this distance, no Indians, but observed, as we had the previous day, traces of the recent war party. In passing out of the tenth of the series of lakes, the men observed a camp fire on shore, but no person appeared; it was conjectured to indicate the presence of Sioux, who, perceiving the character of the party, had fled and concealed themselves. The next day afforded no certain evidences of a fixed population. We observed continued traces of the recent war party, and other signs of temporary occupancy, in the standing camp poles and meat racks, which frequently met the eye in our descent. We passed the entrance of Leaf river, a large tributary from the right, having its source near the banks of Otter Tail lake, and the next day had our attention directed to the entrance of Prairie river, on the same shore. The latter is also a tributary of the first class; it is the war road, so to say, between the Chippewas and Sioux, having its source in a lake which is designated, in the treaty of Prairie du Chien, as one of the points in the boundary line between these two nations.

The day following, (21st,) the monotony of vegetable solitude was broken, by meeting a Chippewa and his family in a canoe; he informed me that we were within a few hours' journey of the mouth of the river; that the Sandy lake and Mille Lac Indians were assembled there, awaiting my arrival, and that they expected me this day. I found this information to be correct.

We entered the Mississippi about noon, and saw the opposite shore lined with lodges, with the American flag conspicuously displayed. The long continued firing and shouts of the Indians left me no reason to doubt that my arrival was both anticipated and desired. I was gratified on being told, within three hours of my arrival, that the canoe with the goods and supplies from Sandy lake was in sight, and, in a few moments, found the event verified in the safe arrival of the men, and the landing of the packages. I determined to lose no time in assembling the Indians in council; addressing them on the objects of the expedition, and causing the presents to be prepared and distributed. I was addressed in reply by the elder chief, Grosse Guelle, and also by the brother of the Strong Ground, by Waub Ojeeg, and by a young man called Nitum E' Gabo Wai. Peculiarities in the addresses of each only require to be adverted to.

The Grosse Guelle deemed it important that the line between them and the Sioux should be surveyed and marked; he said that much of it was a land line, and it could not be told by either party where it ran. This was true of it, in the section of country immediately west of them. The Sioux were in the habit of trespassing on it, and when their own hunters went out in the pursuit of game, they did not like to stop short of the game, and they saw no marked line to stop them. He said that it had been promised at the treaty that the line should be run, and he wished me to refer the subject to the President. He was in favor of peace now, as he had been at Tipisagi and at Fond du Lac.

Mushkowokumigaw, or the Strong Ground, expressed his sentiments through the medium of his brother, who was the more ready speaker. He said he had taken a part in defending the lines, and he hoped that they might be made plain, so that each party could see them; as it is, a perpetual pretence is given for crossing the lines. It must be expected that peace would often be broken, when it could be so easily done.

Waub Ojeeg, or the White Fisher, said that he had given his influence to peace counsels. He had been present at the treaty of Fond du Lac. But the Sandy lake Indians had been lately reproached, as it were, for their pacific character, by hearing of the Leech lake war party's passing so near to them. He hoped that the same advice that was given to them, would be given to the Sioux. If the Sioux would not come north or east of the lines, the Chippewas would promise not to go south or west of them. He thought the lines might have been differently run, but, as they had been agreed to by their old chiefs who were now gone, it would be best to let them run as they do. Their hunters, however, always came out at the mouth of Sauce river, which had been given up to the Sioux. The young man said that he was the son of Pugijaimjigun, who had died recently at Sandy lake. He said that the medal which he wore had been given to his father by me at the treaty of Prairie du Chien in 1825, in exchange for a British medal surrendered by him. He did not profess to have any experience in political affairs. He had inherited his medal, and hoped to be considered by me worthy of it. He expected the respect due to it. He expressed his friendship, and confirmed his speech with a peace pipe and stem.

Ascertaining the trading house to be near my encampment, after closing the council, I descended the Mississippi in the evening about eighteen miles, and encamped at Prairie Piercee.

Intelligence had reached this place, a few days before, of some skirmishes between the hostile Sacs and Foxes and the militia on Rock river, the murder of St. Vrain, their agent, and the general alarm consequent in that portion of the frontier.

The distance from the mouth of the De Corbeau to St. Anthony's falls may be computed to exceed two hundred miles. The line between the Chippewas and Sioux crosses from the east to the west of the Mississippi, so as to strike and follow up Little Sauc or Watap river, which is the first river on the west banks of the Mississippi, "above the mouth of Soc river." We passed several Chippewa hunters, with their families, along this part of the Mississippi, but encountered no Sioux, even on that portion of it lying south of their line. I was informed that they had, in a measure, abandoned this part of the country, and I observed no standing Sioux camp poles, which are, with this people, a conspicuous sign of occupancy, and which were in 1820 noticed to extend as high up the river as Little Rock, (Les Petites Roches.)

I passed the portage of the falls of St. Anthony, and reached Fort Snelling on the 24th July. There being no agent or subagent present, Captain Jouett, the commanding officer, on whom the charge of the agency had tem-

porarily devolved, afforded me every facility for communicating to the Sioux the object of my visit to the Chippewas, and requesting their concurrence in its accomplishment. For this purpose the Wappeton Sioux were collected together at the agency house, on the 25th. I stated to them the object of the visit, and the means which had been used to persuade the Chippewas to give up war, and to confine themselves within their lines.

I reminded them of the anxiety of their great father, the President, to bring about a firm peace between them and the Chippewas, and the numerous proofs given them of this anxiety, by calling them together at several councils, which had this object particularly in view. They had men of wisdom among them, and they would quickly see how utterly useless it would, however, be for the Chippewas to remain quiet during any single season if the Sioux did not also at the same time sit still.

I appealed to them to resolve on peace; to take the resolution now, to take it sincerely, and to adhere to it firmly and forever. I stated to them the request made by the Grosse Guelle, and other Chippewa chiefs, respecting the marking out of their lines, and invited them to express their opinions on this subject.

I announced to them the exclusion of whiskey. The aged chief Petit Corbeau uttered their reply.

I recognised in this chief one of the signers of the grant of land made at this place twenty-six years ago, when the site of the fort was first visited and selected by the late General Pike. He adverted to the agency which he had exercised for many years in managing the affairs of his people. They lived upon the river; they were constantly in sight; they were in the habit of being consulted; his ears had always been open to the Americans; he had listened to their counsels; he would still listen to them, although they were at present in a depressed situation. He adverted particularly to the existing war with the Saucs, and the accusations which had been thrown out against the Sioux party which had gone down to join the American standard, but had returned. He denied that they felt any friendship for the Saucs and Foxes. He said they were willing to go against them again if requested by the commanding officer.

He spoke on the subject of the Chippewa war at some length, adverting to a time when this people did not approach so near to the river, when they dared not approach so near to it. He thought the lines were drawn too close upon them on the St. Croix; that the young men could not go out hunting, but quickly they found themselves beyond the lines. He thought they might even now be driven back were it undertaken in earnest.

He said the chief of Leech lake was wrong to appeal to me to wipe the blood off his medals; he ought to be able to wipe it off himself. It was pitiful to make this appeal for men who were able to do a thing themselves. He referred to the late Chippewa war party. He said that a relative of his had been killed—blood would call for blood. He did not rule the Sessitons; he thought they would repay the blow. His own advice had been pacific. He had received my wampum last year, and smoked the pipe with the St. Croix Chippewas. They were their neighbors; they were now at peace; they wished to remain so; they would act by my advice. He thanked me for the advice. He warmly approbated the proposition to run out the lines; he said it had been mentioned at the treaty; and although the lines had not been adjusted to the full satisfaction of all, perhaps they could never be settled better. He, therefore, united in requesting that the President might be asked to direct white men to establish them. It would be necessary, however, to have both parties by.

He again adverted to the difficulties between them and the Chippewas; he thought that these difficulties were kept alive by the visits of the Chippewas to this post; he said it put bad feelings into the hearts of the Sioux to see the Chippewas share the bounties of the Government, which the Sioux believed the Government intended exclusively for them. Besides, it was difficult to restrain their feelings of hostility when they came together. Both parties were mistrustful. It was only necessary to look back a few years to perceive what the consequences had been. He believed that these tribes ought to be kept apart; and one of the best means of keeping them apart was to draw their lines plain, and to order presents to be given out on their own lands, and not on each other's lands.

He spoke against the location of any trading post on the St. Croix, which should be fixed so near to the lines as to bring the Sioux and Chippewas into contact. He also stated reasons why a post at the mouth of the St. Croix, which is exclusively in the Sioux country, was not necessary.* He wished to keep his band together, and not to give them excuses for going hither and yon. He requested me to stop at his village, and to use my influence in persuading his people to live in one village, and not to continue, as they now were, in two distinct villages, which were not, in consequence, so fully under his control.†

Wamidetunka, or the Black Dog, followed him in a speech containing sentiments not at variance with those expressed by the Little Crow. Its distinguishing feature was, however, its reference to the indulgences formerly granted to the Sioux at this post. He thought it hard that these indulgences should be withdrawn or curtailed; and he could not comprehend how such a course could be consistent with professions of friendship on the part of officers of the United States. He referred particularly to the indiscriminate visiting at the fort, and the purchase of ardent spirits from the sutler.

‡ Cahrahcah said that he had been present with the Petit Corbeau at the signing of the treaty of cession at St. Peter's, and it was owing to this act that the American flag was now displayed there. He had sustained this chief in his public acts, and he concurred with him in what he had uttered about the Chippewa war, and also the existing troubles with the Black Hawk. He repelled the idea that the Sioux were friendly to the Saucs and Foxes in the present controversy. They had often struck the Sioux. They were a people who were never at ease. The Sioux war club had also been often lifted against them, and it was ready to be lifted again. They were ready to hear the commanding officer, who was sitting present, say "strike."

The details of my route through the St. Croix and Burntwood rivers do not essentially vary the aspect of northwestern Indian affairs given above. Facts communicated, expressive of the then existing state of feeling respecting the Sauc disturbances, were promptly reported to his excellency George B. Porter, Governor of Michigan, in a letter, of which I have the honor herewith to furnish a copy. The proposition of running out and marking their territorial lines, as a means of preserving peace, was approved; the recent meeting on the St. Croix, for the purpose of renewing pledges of peace, declared to be sincere on the part of the Chippewas; and sentiments of friendship to the Government, and welcome to myself, expressed at each of the councils which I held with them.

In submitting to the department this summary of facts resulting from my visit to the source of the Mississippi, I take the occasion to remark, that, whatever may be the

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* I enclose the copy of a letter on the subject of posts, &c. addressed by me to General J. M. Street, agent at Prairie du Chien.

† On my arrival at the Petit Corbeau's village, his people fired a salute with ball, and, after making further remarks on the state of their affairs, he presented me a peace pipe and stem.

‡ This, with the other Sioux names, was written with pencil on my wallet notes, and being partially obliterated, it may not be correctly transcribed.

present state of feeling of the tribes on that stream above Prairie du Chien, respecting the Government of the United States, causes are in silent, but active operation, which will hereafter bring them into contact with our frontier settlements, and renew, at two or three separate periods, in their hostility, the necessity of resorting to arms to quell or pacify them. The grounds of this opinion I need not now specify, further than to indicate that they exist in the condition and character of opposite lines of an extensive frontier population, which will inevitably compel the one to press, and the other to recede or resist. This process of repulsion and resistance will continue, if I have not much mistaken the character of that stream, until the frontier shall have become stationary about 500 miles above the point I have indicated. I advert to this topic not in the spirit of exciting immediate alarm, for there are no reasons for it, but for the purpose of calling the attention of the Secretary of War, through you, sir, to the importance of keeping up, and not withdrawing or reducing, the Northwestern posts and agencies; and to express the opinion that the advice and influence of the Government upon these tribes would fall nearly powerless, without ready and visible means, upon the frontiers, of causing its counsels to be respected. Christianity, schools, and agriculture, will do much to meliorate their condition and subdue their animosities, but it is a species of influence which has not yet been felt, in any general effects, in this quarter. Among the means of securing their friendship and preserving peace, I have the honor to suggest that beneficial effects would result from following out the system of exploratory visits, by extending them to the region of Lac du Flambeau, and to that portion of the peninsula of Michigan lying north of Grand river. A deputation of the Chippewas from the sources of the Mississippi and Lake Superior to the seat of Government, would also prove advantageous.

So far as respects the state of hostilities among the Sioux and Chippewas, it must be expected that continued efforts will be necessary effectually to check it. Nothing could perhaps now be done, which would tend so directly to promote this end, as the surveying of the lines agreed on between themselves at the treaty of Prairie du Chien, of 1825.

I am, sir, very respectfully,
Your obedient servant,
HENRY R. SCHOOLCRAFT, *I. A.*

LIVE OAK.

HOUSE OF REPRESENTATIVES, *December* 15, 1832.

Report of the Secretary of the Navy on the subject of Live Oak.

NAVY DEPARTMENT, *December* 14, 1832.

SIR: I have the honor to submit this communication, in compliance with the last clause of a resolution of the House of Representatives, passed February 25th, 1832, on the subject of live oak.

That clause requested the Secretary of the Navy to report to the House, "at an early period of the next session of Congress, such further information on this subject as he may be furnished with by the agents, or others who may be employed in the service, with his views of the best means of preserving the naval timber growing on the public lands; or, if he deem it necessary, that he lay before the House a plan or system which he may think best calculated to secure to the nation an adequate supply of this material, either by cultivation or the purchase of lands now containing such supply."

As the preceding clauses in this resolution related to no other timber than live oak, and as the examinations of the agents have been directed chiefly to that material, I presumed that such timber only was in this case intended to be embraced under the expression of "navy timber," and have accordingly confined my remarks to the subject of live oak.

In respect to the "further information," which has been furnished by the agents, concerning that kind of timber, since the passage of the resolution, and which information is first called for, I would observe, that frequent and extensive additions have been made to what was before procured; but, from the circumstances under which the agents necessarily obtain new information, it has been forwarded in very detached portions. Merely laying copies of their several communications before Congress, would exhibit a mass of undigested matter, which would not readily afford any definite conclusions.

It has, therefore, been deemed proper to extract the material facts contained in all the correspondence of the agents under the present system, and to arrange them in as clear a manner as the general, and, in some degree, uncertain nature of the examinations and estimates would permit. The result of the whole is submitted in a tabular statement.

This statement shows, as nearly as practicable, the present number of trees growing on what are supposed to be public lands in each of the seven districts between the St. Mary's and the Sabine rivers, so far as each has been explored by these agents.

It also gives the estimated number of cubic feet in those trees suitable for the frames of ships of the line, frigates, sloops, and schooners. It indicates the parts of each district in which the trees grow, their distance from navigable water, and whether the lands on which they grow have yet been surveyed, or reserved, or recommended to be reserved, when hereafter surveyed.

Another statement has been prepared, in a similar manner, relative to the live oak trees incidentally noticed and reported by these agents, as growing within their districts on private lands. But as the examinations of such trees were not officially required of them, except where very numerous and valuable, this statement is doubtless more imperfect, and more below the whole quantity of trees growing on private lands within their districts, than is the first mentioned statement of trees growing on the public lands.

To meet the views of the select committee on the subject of live oak, appointed at the last session of Congress, the localities of most of the trees described in both these statements have been marked by the draughtsman of the department, upon the map. On the accuracy of the statements, it may be proper to remark, what must be fully apparent to all acquainted with the difficulties of this subject, that the department can only vouch for their correctness as careful compilations from the reports of the agents.

These agents, however intelligent and faithful, could not attain perfect certainty in their examinations, but are believed to have generally evinced capacity and accuracy in the discharge of the duties confided to them.

A few circumstances, which have occurred to me as likely to possess some bearing on the whole result of their proceedings, and therefore entitled to consideration in forming an opinion on them, I deem it my duty to suggest for the attention of Congress.

A portion of these trees, when cut, may be found decayed by age, or injured by wind-shakes, beyond the allowance made on these accounts in the reports of some of the agents. In this kind of timber, as decay generally commences at the heart, it is hardly possible to decide with correctness on the extent of such defects until the tree is felled. Another portion of these trees in the future settlement of titles to the lands in some of the districts, may be found to grow on soil not owned by the public, though the trees are reported, in the first tabular statement, as being on public lands. Those titles, especially in some parts of Florida, continue in much doubt,

but less so, it is believed, on the seacoast, where the live oak is more abundant and valuable than in the interior. Only about one-seventeenth of the land included in the seven districts, is computed to belong, at this time, to private persons.

Some of these trees may be found so situated as to navigable water, that the value of their timber will not be sufficient to pay for its transportation. The specific gravity of live oak is from one-fifth to one-sixth greater than that of water, and the trees generally grow where the roads are so bad, and the soil so moist, that the transportation by land, for any considerable distance, of so heavy an article, and in such large pieces as are required for naval purposes, would be either impracticable or exceedingly expensive.

Part of these trees are so sparsely scattered, and in such detached situations, that the agents have not considered their worth sufficient to justify recommendations to reserve the lands on which they grow: others are on lands which have not yet been reserved, because not surveyed.

In fine, a portion of these trees, while standing, and before wanted for immediate use or deposite, must be considered as exposed to certain loss by depredations, gales, fires, and natural decay.

On the other hand, before wanted, much young growth, not now included in the reports of the agents, will have increased in size so as to become valuable; and, without doubt, some other trees will be discovered in the explored districts, which have now escaped research; and many more trees will be found in those portions of two of the districts which have not yet been even partially explored.

It is to be recollected, also, that the scattered trees, not in sufficient quantities on the public lands to justify their reservation, and those trees on lands now supposed to be public, but which may hereafter prove to belong to individuals, although they must all hereafter be deducted from the first tabular statement, will still constitute additions to the second statement; and, with most of the trees in it, will probably contribute as useful resources, either in private hands, to supply, by contract, the more early wants of the navy, or, in a few instances, to be purchased and reserved by the Government, with the soil on which they grow, wherever and whenever their great number to the acre, and the urgent necessities of the public service, may be thought to render such a course judicious.

Without any additions or deductions on account of these circumstances, the amount of which additions and deductions it would not be possible to fix with great certainty, but which every person can estimate for himself, it will be seen that the whole number of live oak trees suitable for shipbuilding, which the agents under the present system have yet examined and reported as now growing on the public lands, is about 144,655.

These, at twenty cubic feet per tree on an average, which is the estimate adopted by some persons, would furnish 2,893,100 cubic feet of timber. Others, of much experience, calculate that such trees "of the ordinary size," would each, on an average, yield at least eighty cubic feet. [Rep. 102, Ho. Reps. 21st Cong. 2d sess. 78 page.]

This would increase the whole quantity to 11,572,400 cubic feet. About fifty feet, the mean between the two estimates above mentioned, will probably be found the most accurate; as the quantity to each oak timber tree, on an average, in England, is computed at forty-five feet, and the live oak, though it may not be generally of so great height as the British oak, yet, from its longer horizontal limbs, it often yields more ship timber. At this rate of computation, there would be 7,232,750 cubic feet.

The proportion of this timber, as found growing and suitable for shipbuilding, which is large enough to construct ships of the line, is sometimes considered about one-half; and to construct frigates, about one-third; and to construct sloops and schooners, one-sixth.

But, reducing this proportion to one-fourth for ships of the line, one-fourth for frigates, and one-half for sloops and schooners, which must be within the truth, [Doc. 178, Ho. of Reps. page 26, March, 1832,] and computing thirty-four thousand cubic feet as sufficient for the frame of a ship of the line, twenty-three thousand for that of a frigate of the first class, eighteen thousand for one of the second class, eight thousand for that of a sloop, and one thousand eight hundred for that of a schooner, which are near the average quantities; and the whole first named number of feet on public lands would suffice for the frames of 173 vessels: one-fourth of these would be ships of the line, one-fourth frigates, and one-half sloops and schooners, the two last in equal proportions.

The whole second named number of feet on public lands would suffice for 693, and the medium number of feet for 433 similar vessels.

It will further be seen by the second tabular statement, that, pursuing the same course of calculation, the number of trees as yet reported by these agents as now growing on private lands, being in all 8,975, their contents in ship timber would be, on the three different estimates before mentioned, 179,500, or 718,000, or 448,750 cubic feet. This, if all of it should hereafter be obtained for the navy, would prove sufficient for 10, or 43, or 27 vessels, as one or the other of the above estimates should be adopted. Without any increase for other trees known to exist in Georgia and South Carolina on private lands, and, in portions of some of these districts, on both private and public lands not yet fully examined by these agents, the above results, I am aware, are much larger than what have been published as the opinions of some intelligent persons on the whole supposed quantities of live oak timber growing in this country. But it is to be recollected that those opinions were founded on observations and explorations much more limited and imperfect, and made in part at such remote periods, as to leave it greatly conjectural how little of the timber, once seen, still remained uncut and undestroyed. The present results, also, large as they are, might be expected to exceed the computations of any individual heretofore, as they embody all the detached and more careful examinations of many individuals. Giving the quantity now remaining, from actual inspection, and on the public lands, not from rumor or estimates made at a distance, except in a single case, which is particularized, they likewise have some superior claims to correctness.

2d. The second point embraced in the resolution is a statement of my "views of the best means of preserving the navy timber growing on the public lands."

On this subject, the legal remedies which now exist for depredations committed are deemed sufficient so far as respects punishment. But, for the detection and prevention of trespasses, I think it should be further provided by law that the masters of vessels which sail from Florida, Alabama, Mississippi, or Louisiana, laden with live oak, should furnish to the collector, before allowed a clearance, satisfactory evidence that the timber was cut on private lands; or, if on public lands, was cut with the permission of the proper officers. As an additional security against depredations, and particularly against injuries by fires, I would recommend that it be made the duty of all public officers in the above named States and Territory connected with the customs and the land offices to keep a vigilant eye on the security of our live oak, and to prosecute persons known to be guilty of gross neglect or wanton wrong, to the damage of this species of public property. These provisions, added to the present laws, and coupled with the prompt reservation of the lands on which valuable growths of timber exist, as fast

as the country is surveyed where they exist, will constitute, in my opinion, "the best means of preserving the navy timber growing on the public lands."

3d. The last section of the resolution requests the Secretary of the Navy, "if he deem it necessary, that he lay before the House a plan or system which he may think best calculated to secure to the nation an adequate supply of this material, either by cultivation or purchase of lands now containing such supply."

The Select Committee on Live Oak, appointed the last session, made a similar request, and extended it to some other particulars bearing on this subject, and which request, so far as not then answered, I will endeavor to comply with in the course of my remarks under this branch of the present inquiry.

The diversity of views, and the conflicting interests, known to be connected with any course which the Government might be advised to pursue hereafter on this portion of the resolution, will undoubtedly expose all opinions, recommending any particular course, to some severity of criticism, and might, in the present unfinished state of the examinations by our agents, have furnished me with a sufficient apology for not expressing, at this time, any decided sentiments on so controverted a topic. But, believing that some of the difficulties hitherto existing arose from defective information, which the recent examinations by the agents, as far as completed, and the collection of certain material facts accessible to the department, would tend to remove, and that it might be considered as avoiding responsibility and labor not to comply with the apparent wishes of the House of Representatives, as fully as practicable, I have not hesitated to present, under this head, so far as my exertions could extend, every fact and estimate that appeared pertinent to the inquiry, and likely to be useful in the future deliberations and legislation of Congress on this important portion of the resolution.

In only a few of the computations which may be offered, do I profess to have attained perfect accuracy; but, in all of them, there has been attempted the nearest approximation to it which the defective materials before me, and the uncertain nature of the subject, permitted. I entertain no doubt that those who are acquainted with the inherent difficulties attending this inquiry, and the contradictory opinions generally prevalent on this part of the subject, will exercise the liberality duly to appreciate my motives, and to make suitable allowances for any unintentional errors.

In order to decide, judiciously, on a proper "plan or system" in future, either for purchasing more lands, now covered with a valuable growth of live oak, or for cultivating, artificially, this kind of tree on any lands, and in any particular method, it will be necessary, first, to ascertain our probable demands, in future, for that species of timber, and, afterwards, our means of obtaining a sufficient supply of it to meet those demands, either from materials now on hand, or by contracts from private lands, or from the public domain, in its present condition.

The frames of our public vessels are the only parts of them usually constructed of live oak timber, and the computations will, therefore, be confined to a supply for the frames.

Upon the hypothesis that our force in commission will, for some years, be continued at about its present size, and on the propriety of which hypothesis some remarks may hereafter be offered, it will be indispensable to provide annually a small quantity of live oak timber for ordinary repairs, and another quantity, somewhat larger, to take the places of such vessels as may be lost by accident, wars, and great natural decay. I have turned my attention, first, to the quantities deemed indispensable, and have considered those for the objects just named as the only ones strictly indispensable, because the further quantity needed for the vessels which sound policy may require us to keep in ordinary, and on the stocks, or the quantity in live oak timber which the same policy may require us to place in depot, to aid in enabling us to increase, at any time, our force in commission, so as to meet any future emergencies of the country, is rather a matter of public expediency than of indispensable necessity. It will depend on arguments as to the proper size of our naval establishment, and the proper extent of our collection of naval materials to meet future contingencies, and about which opinions may somewhat differ, and which will soon be examined, rather than on an immediate, obvious, and indispensable want, about which little diversity of sentiment can prevail.

The first indispensable quantity, which is that for small annual repairs of the live oak frames of our vessels kept in commission, will probably not much exceed one thousand seven hundred feet per year, or about one per cent. on the whole quantity of these frames.

Though this amount may appear small, it will undoubtedly be found ample for the object, when we advert to the kind of repairs here specified; to the durability of the timber used in the frames to be repaired; to the unexposed parts of the vessel in which it is used, and to the favorable result of our experience on this subject, which will hereafter be detailed.

The next indispensable quantity, which is that wanted to take the place of what live oak in frames may be lost while in commission, by great decay, by fire, shipwreck, and war, will probably not exceed eight thousand five hundred cubic feet per year. This last computation is founded on the estimate, that, in the ordinary course of events, it will become necessary, from great decays, and from disasters, either virtually, by large repairs, or actually, by either rebuilding, or by the substitution of other vessels already built, to replace all our force of live oak vessels now in commission during the lapse of the next fifth of a century.

This force consists of four frigates, nine sloops, and seven schooners; all the frames of which, except of one schooner, are, in part, or altogether, composed of live oak. At the rate of computation before suggested as correct, those of live oak contain about one hundred and sixty-five thousand four hundred and eighty cubic feet; and one-twentieth of that is eight thousand two hundred and seventy-four feet, or about five per cent. on the whole quantity at present in commission. This augmented to eight thousand five hundred feet, and the seventeen hundred estimated for small repairs, will together amount to over six per cent. on the frames actually in service, as the quantity here computed necessary to maintain them entire. Without, at this time, offering any thing more on the basis of these calculations, but the general correctness of which will be illustrated in the course of this report, it may be seen that these two estimates will require to be provided for small repairs, and for replacing losses, from all causes, in our live oak vessels in commission, about ten thousand two hundred cubic feet annually, or at the average rate per year of a quantity more than sufficient for one new sloop, or each two years about enough for a frigate of the first class, or each three years almost enough for a ship of the line.

In regard to the procurement of these indispensable supplies, the first quantity for annual repairs, considering the use for which it is wanted, must be obtained in detached pieces; and, as we now have on hand seventy-five thousand feet of live oak, purchased for repairs, and of which over fifty thousand is intended for ordinary ones, it could, for twenty or thirty years, be furnished from that source, and afterwards, if necessary, from timber in depot.

The second quantity could mostly, and to great advantage, be obtained, for many years, by substituting our

vessels now in ordinary, whenever they are of the size wanted. The frames of such of them as were built of live oak, contain about three hundred and twenty-two thousand six hundred and thirty-three cubic feet; being an amount, nominally, sufficient to replace more than twice the loss of our whole force in commission. The frames of the Macedonian, Hudson, and Cyane, and two-thirds of that of the Guerriere, are excluded from this computation, as not being of live oak; and other large deductions should undoubtedly be made from the extent of this source of supply, in consequence of the advanced age of a number of the live oak vessels in ordinary, and the future decay to which they are all liable while remaining in ordinary.

Besides this source of supply to replace those in commission, we have vessels on the stocks which contain in their frames about three hundred and fifty-four thousand cubic feet, and constitute a sure and more durable resort, when necessary, than those in ordinary.

These vessels, now on the stocks, are sheltered from injury by the weather; are not decayed by either wet or dry rot; are little exposed to future damage, except by fire; and, until launched, bid fair to continue sound, at least in their frames, for some generations.

Again: beyond both of those resources to replace lost and decayed vessels now in commission, are the live oak frames in deposite at the different yards, and to which, in case of necessity, a resort might be had. These contain over four hundred and thirty-one thousand eight hundred and forty-five cubic feet of timber, or nearly thrice the quantity now in commission; and they will probably remain not essentially injured for centuries, if receiving proper attention, and if, in the mean time, they are not wanted for public purposes.

These general remarks and estimates are presented merely with a view to furnish some aid in forming a just opinion on the true extent and character of our resources on hand in live oak timber, and on their sufficiency, if required, to meet, for a time, our indispensable wants of that kind of timber.

But it is by no means recommended to place entire reliance, even for our indispensable wants, or any large portion of them, upon the resources just enumerated.

On the contrary, some further remarks and estimates will now be presented, with a design to throw additional light on the extent of our resources in live oak timber, whether growing or cut, and in various shapes now on hand; and whether growing on public or private lands, but yet suitable and available to meet all such demands for that kind of timber as may be required in this country, no less by a future sound policy on naval subjects, than by our indispensable wants.

In this inquiry, it is desirable, first, to ascertain, as near as may be, what has been the extent of all our former demands in the navy for live oak timber; and then to estimate, from that extent, and other considerations, what those demands will probably be hereafter. It will next become proper to ascertain whence and how the supply for those former demands has been obtained; and then, from that result, and other information bearing on the subject, to estimate whence and how the supply for our future demands is to be obtained.

All our purchases and use of live oak timber, heretofore, for annual repairs; all our purchases and use of the same kind of timber for the immediate building of vessels, and all our purchases and deposites still remaining for the future gradual improvement of our navy, cannot be ascertained with accuracy, but probably can be computed so nearly to the truth as to furnish material aid in forming an opinion on the whole extent of all our demands, both hitherto, and hereafter, for live oak timber.

It is gathered from our records and other sources, that our former purchases of live oak timber for all kinds of repairs of all vessels afloat, have probably been about one hundred and sixty-eight thousand cubic feet.

The basis of this, and most of my other material calculations will be given, in order that any errors may be detected, and, in the final result, all due corrections and allowances be made, not only on account of arithmetical mistakes, but diversities of opinion on any of the important data entering into the elements of those calculations.

Our purchases of live oak timber, for all kinds of repairs during the last ten years, have been 75,000 feet: previous to that, our records on this subject are defective, and the amount is to be estimated. As the above 75,000 feet included 10,000 for the rebuilding of one live oak vessel, and 57,000 for the repair and rebuilding of other vessels not before constructed of live oak, and as similar occurrences are not known to have happened before, I have computed the purchases during the previous ten years at only two-thirds as much, or 50,000 feet; and during the fifteen years still previous, when our vessels were fewer and newer, at the rate of only one-half as much as in the succeeding ten years, or 37,500 feet; making in all, with an addition of about four per cent. for errors, the above amount of 168,000 cubic feet. The portion of this whole quantity which has been actually used for small ordinary repairs of our live oak vessels is not readily to be ascertained, but it is a very important inquiry, with a view to estimating, as accurately as possible, what may be the extent of our annual demands hereafter for that species of repairs.

The amouut we have actually used for that purpose has, according to my estimate, been only about 33,000 feet. The basis of this estimate is, that for all kinds of repairs during the last ten years to the frames of our vessels, it cannot be ascertained that we have used over 54,000 feet of live oak timber. Our record shows that 42,000 of that has been used in other repairs than small and ordinary ones, to the live oak frames of vessels, and, consequently, leave only 12,000 feet, or an average of 1,200 per year, as the probable amount consumed in this last description of repairs. Computing these last, during the ten previous years, to have been equally large, as that time included a period of war, and during the first fifteen years of our more limited establishment, to have been at the rate of only half as large, and the result would be, as above stated, but 33,000 feet, actually used hitherto for the small repairs of the live oak frames of all our vessels.

The correctness of this result is strengthened by the circumstance that, of the whole amount of 168,000 feet, purchased for repairs, we are able to ascertain that about 57,000 have been used, and are now using, to repair and rebuild frames before constructed of other than live oak timber; and about 20,000 have been used to repair largely, and to rebuild vessels before constructed of live oak. We have now on hand, for the purpose of ordinary repairs, about 50,000; and these three items, with the 33,000 feet before estimated as used for small repairs, would absorb the whole purchases except 8,000 feet. It is known that some of this 8,000 feet has been used in the ordnance service during the late war, and that some has been occasionally diverted to still other public purposes; and all of which, with the casualties of over a fourth of a century, would probably equal the whole balance.

Though this estimate makes the actual use of timber for the small repairs of our live oak vessels during the last thirty-five years to have been, on an average, less than 1,000 feet annually, and during the last ten years only 1,200 feet annually, yet our future demand for that purpose must be computed much higher. A number of the live oak vessels afloat are very old; most of them have been launched over ten years. The whole repairs in them must become larger, and a plain line between "small" and "middling" repairs in such vessels cannot always be drawn with much accuracy.

Under these circumstances, coupled with a due allowance for errors in our result as to the past, I think that 3,400 feet annually will be a proper and a liberal estimate for our future demands of live oak for the purpose of small ordinary repairs. This is an aggregate of about one per cent. on our force in commission, and of about one-half of one per cent. on that in ordinary, or, on an average, nearly three-fourths of one per cent. on the whole force afloat. Our navy board consider two per cent., on what is afloat, as a fair estimate of this species of timber annually wanted for all kinds of repairs.

Deeming this to be correct, the portion of it I have computed to be chargeable to small ordinary repairs hereafter, is much greater than my estimate before made is of our actual past use for this kind of repairs out of the whole.

As further evidence that I have thus computed enough for this kind of repairs, it will be observed that the proportion for small repairs out of the whole would, in fact, be somewhat greater for the past than the future, as the large repairs in the frames of our live oak vessels heretofore, have, in only one case, been known to exceed fifty per cent. on their original cost, while, as our vessels grow older, the larger repairs must be more frequent, and constitute a larger proportion of the whole.

Much light cannot be thrown on this subject by the yearly appropriations for all our repairs as compared with the computed original cost of our vessels. Those appropriations have been for some years over eight per cent. on that cost. But this has included not only repairs of the vessels, but of their equipments, and of other parts of less durable timber, as well as of the frames, and large as well as small repairs, and the labor in making all these repairs. In fact, it presents not far from the amount in money deemed necessary not merely to repair the frames, but to maintain entire the materials of every kind in our whole force afloat. It happens also that very little pertinent information on this point can be derived from foreign services. The French estimate that their vessels will require to be slightly repaired in four years, thoroughly in eight, and virtually, if not nominally, rebuilt in eleven years.

The British estimate that "small" repairs will be necessary in five or six years, and "very small" sooner. Though they divide repairs into various grades and titles, from "very small," at 1-8 of the original cost, and "small," at 1-5, up to "large," at 9-10, and "very large," at first cost, yet I have not found the average time for each kind estimated, except as the whole average duration of their vessels is now computed at about thirteen years. Sometimes all their repairs are estimated at one-seventy-second per year of the quantity of timber afloat, or equal to one-fourth of what is deemed necessary to keep up annually their establishment entire.

But, as might be expected, considering the inferior durability of fir and of all other oak to live oak, and the less proportion of repairs required on frames than other parts of a vessel, all these expenditures are in a ratio nearly one-half larger than our estimate for future small repairs on only our live oak frames, and, making a due allowance for every circumstance, rather confirm than impair the results which I have before stated.

Assuming, then, for the present, what will hereafter be further examined, that our force now afloat will not, for some years, be essentially diminished or enlarged, the quantity of 3,400 feet of live oak annually, will, it is probable, prove sufficient for the small ordinary repairs of all our live oak frames afloat, and will, therefore, constitute the first item in our permanent yearly demands for this kind of timber, to be in some way, and from some quarter, hereafter supplied.

Our annual purchases, and actual use of live oak timber for building, independent of common wear and tear, form the next subject of inquiry. It is well known that these purchases have heretofore been very irregular. But all this timber which has been used in the frames of public vessels constructed since A. D. 1797, whether originally purchased for that or other purposes, has been about 974,363 cubic feet. This is on an average about 27,838 feet per year. What may be the extent of our annual demands on this account in future, will depend, in some measure, on fluctuations in policy as to the whole size of our naval establishment, on the amount of force deemed proper to be kept in commission, on misfortunes in war and by shipwreck, on the future decay of our vessels already built, and much on the circumstance whether the quantity of live oak required in consequence of these causes, shall, for many years, be supplied entirely or partially by rebuilding anew, and by purchases for that object, or entirely by substituting other vessels now in ordinary and on the stocks, and by taking frames already in depot.

But should this quantity be supplied hereafter in such manner as not to diminish the sum total of our present force of live oak in commission, in ordinary, and on the stocks, though we might advantageously, as new vessels are wanted in commission, supply our necessities from those in ordinary, when of the size wanted, and proportionably increase the number of those on the stocks, since vessels in the latter state are preserved with less injury than in the former; and should it be made in such manner as not to diminish our frames in depot, but allow their annual increase in the mode lately practised, and now, as well as heretofore, earnestly recommended, we shall then pursue that manner in furnishing the quantity needed, which seems to me least exceptionable and most consonant to the only correct general policy on the subject of our navy. In that event, there would probably be required about one-twentieth of the present quantity of live oak in commission, or 8,274 feet, and one-thirtieth of that in ordinary, or 10,754 feet, to supply the average annual losses by large and entire decay in the frames of vessels of those two descriptions. To this may be added, in order to meet every probable and almost possible contingency, about one-half of one per cent. for losses by shipwreck on those in commission, amounting to about 827 feet, and about one-third of one per cent. more for losses by accidental fire on all in commission, in ordinary, on the stocks, and on all timber in depot under sheds. This last one-third of one per cent. will be about 4,246 feet. These estimates for shipwreck and fire exceed any thing which our experience, as hereafter detailed, would justify, but are adopted to meet any plausible, though large computation, for the future. These all would constitute, under this head, about 24,101 feet per year as a second item in our annual permanent demands to be supplied. This quantity, it will be seen, is about one-twentieth, or 5 per cent. of the whole frames afloat. If the amount for small repairs be added to it, making together 27,101 feet, it would be almost 5¾ per cent., or over one-eighteenth of the whole afloat. This is deemed requisite to keep up, in all respects, the live oak frames of the entire establishment in commission and ordinary. In England it is estimated by some that one-eighteenth is necessary for that purpose, including all parts, instead of only the frames of the vessel, and all those consisting of inferior kinds of timber. The commissioners of our navy board estimate it at 6 per cent. on the live oak frames, or about one-seventeenth of the whole afloat.

This would make a difference of only about 1,785 feet, and, to avoid mistakes, and to cover all deficiencies, I shall assume that per cent. as correct in my future calculations, and thus increase the sum per year for large repairs and rebuilding to about 25,886 feet. To illustrate the basis of these computations a little more by details, it will be seen that the estimates under this head are founded

on the supposed continuance, during some years, of our force afloat at its present size, as not being too large for all our legitimate wants.

So far from its present size being deemed too large for those wants, or at all adapted to the expensive scale of one, two, and three hundred vessels in commission, or to one, three, and five hundred vessels built and building, as practised by some of the great maritime Powers of Europe, and so far from its looking to any extravagant project for either ostentation or future naval conquests, or the gratification of mere national pride, it differs but little from what was estimated as judicious in December, 1798, the very first year this department went into operation.

The Secretary of the Navy at that time suggested that a proper permanent force at command should not be less than "12 ships of 74 guns, as many frigates, and 20 or 30 smaller vessels." In January, A. D. 1801, a similar estimate was presented, and, in December, 1811, a like opinion was expressed by the department, except a recommendation to augment the number of frigates to 20, and leave the smaller vessels to be regulated by future convenience and exigencies. The instructive lessons taught on this subject during the late war, and our experience during the last seventeen years, confirm the sound political wisdom of now maintaining an establishment at least equal to our present one. The more extensive range of our commerce, its new exposures in barbarous countries, the great increase of our seaboard by the purchase of Louisiana and Florida, and the convulsions that now agitate many parts of the civilized world, would seem to dictate a considerable increase rather than reduction, since the original estimates of the only species of force which can yield to our commercial interests abroad efficient protection, maintain there "the rights and independence" of the Union, "secure the personal liberty of our citizens," and be in readiness, on any emergency at home, to aid powerfully in the defence of our great coasting trade, and our very extended maritime frontier.

Presuming, then, that the expediency of continuing, for some years at least, the present strength of our disposable force, has been satisfactorily shown, it is believed that the allowance before proposed for annual losses by accident and decay will, on a little inquiry and reflection, be deemed amply sufficient. Many of the vessels afloat, which have been launched within the last fifteen years, will probably endure more than one-fourth of a century longer, while some of them built earlier may perish sooner. Four of our present frigates, the Constitution, the United States, the Congress, and the Constellation, were all afloat before A. D. 1800, and three of them in 1797. Though they have since undergone frequent repairs, yet their original frames, except where destroyed by too large and frequent boring for trenails, or where constructed of timber not well seasoned, mostly remain sound. As the improved practice of bolting with copper and iron, and, consequently, of making smaller and fewer holes, shall prevail extensively, the first named source of injury to our ships of war will diminish; and though from ten to fifteen years is the average estimated duration of an English oak vessel in commission, and only from six to ten years the duration of the vessels of many European Powers when made of other oak or of fir, yet our experience, and the changes above mentioned, justify a belief that from forty to fifty years will in future be nearer the truth, in respect to the serviceable duration of the frames of vessels built of well seasoned live oak, and used from time to time as ours have been, alternately in commission and in ordinary, and, when in ordinary, protected as ours now are, with great skill and attention. Should our present excellent system of ventilating, covering, and inspecting vessels, while in ordinary, continue, their frames, when of live oak, will probably last many years without being much impaired, and the allowance proper on account of their future decay will be somewhat less than that for vessels while in commission. Accordingly, we have estimated the average duration of those now in commission at about twenty years; and, as many of the vessels now in ordinary are comparatively new, as the frames of some others have not been injured by frequent boring and repairs, and all of them are so well protected from the weather, it might be safely calculated that the whole in ordinary, if put into use as needed, in the place of those in commission, would not, on an average, perish under thirty years.

The manner of building, as to care and closeness of finish, the dryness and good ventilation of the inside of the vessel after launched, as well as the thorough previous seasoning of the timber; all have a material influence on its durability, and have, of late years, received particular attention in our service. To these remarks, bearing on the correctness of the above allowances, it may be added that, during the last thirty-five years, since our present navy commenced, only a single live oak vessel in our service is known to have been chiefly lost by natural decay, and only two small ones by shipwreck. This has scarcely any thing like a parallel, unless in what is reported of the finely built vessels of teak, at Bombay. Some decays and injuries in most of the live oak frames of our vessels have, of course, occurred from common wear and tear, and some from the other special causes previously enumerated.

But most of the repairs in our vessels hitherto having been in other portions of them than such as are made of live oak, little is justly chargeable to great decay in the live oak frames. Another series of facts resting on careful computations will lead us to a similar conclusion. Of the whole quantity of live oak put into the frames of public vessels in building them since 1797, being about 974,363 cubic feet, there now remain about 165,480 feet in commission, 322,633 feet in ordinary, and 354,000 feet on the stocks, leaving only 132,250 feet not now on hand. Of this last quantity, 8,000 feet were sold by order of Congress, in A. D. 1801; 68,375 feet were captured and supposed to be destroyed by our enemies in four different wars; 44,500 feet were burned by ourselves in 1814; 3,375 feet have perished by shipwreck; and only about 8,000 feet by great natural decay, requiring rebuilding. This makes a loss of live oak vessels in thirty-five years, by the last cause, of nominally almost nothing, as the only vessel considered to have been thus lost is the original John Adams, which, having been imperfectly built by contract in a private yard, and with timber not known to be thoroughly seasoned, experienced a premature failure. But, in reality, the loss by decay has been only the above amount of 8,000 feet; and what has been supplied as before suggested, in small quantities, in the ordinary annual repairs, and some more extensive injuries before referred to in the older vessels, arising from peculiar circumstances, and which injuries, for reasons before named, will not probably so often occur hereafter. Though the extent of all the repairs, which, technically, ought to be charged to rebuilding, cannot be exactly ascertained, I think that a liberal estimate has been presented for them, and for entire rebuilding from all kinds of losses in future, by computing it at 25,886 feet annually, or a little more than enough for one frigate of the first class every year. I have made no specific estimate for losses in future wars to be hereafter supplied, because it is hoped those losses will prove few and far between, and because, if greater than what we may acquire by captures, they could readily be replaced from frames in depot, the great safeguard and reliance in this respect in any national emergency.

Our whole purchases of live oak, made to promote the increase and improvement of the navy, and placed in de-

pot, form another topic of inquiry. They have been mostly paid for, except some early specific appropriations, from a rateable part of the general appropriations gradually to promote that increase and improvement, and have amounted, in all, to about 909,911 feet. Of this whole amount, much has been already employed in the construction of some of our present vessels afloat, and on the stocks; but the quantity which has not heretofore been burned while in depot, nor used for either repairing or building vessels, nor for any other purposes, and now remains on hand designed for building, and not for repairs, is about 431,845 cubic feet. Of this quantity, the annual purchases the last ten years have constituted a large portion of the whole, and have been, on an average, about 33,000 feet per year; or about enough, annually, for the frame of one ship of the line, or of one frigate and one sloop of war.

Should the policy that has prevailed on this subject during those ten years, continue for some time longer, and the present appropriations for gradual improvement be renewed by Congress, the above quantity of 33,000 cubic feet will constitute a third and last item in our permanent annual demands of live oak timber to be in some way hereafter supplied.

For reasons assigned in the report from this department, made December 3d, 1832, the long continuance of the policy before mentioned as to this kind of timber, as well as other useful materials for shipbuilding, and munitions for naval warfare, seems to me highly judicious. Some additional reasons for it, as regards this kind of timber, can, on this occasion, be more properly presented.

It is to be recollected, that if, as now estimated, we should, in a spirit of liberal foresight, continue to follow this policy of gradually placing a reasonable supply of live oak timber in depot, before it may be wanted for immediate use, still our provision for all kinds of timber necessary for naval purposes will not be extravagant; but, on the contrary, will probably require much further attention than has hitherto been bestowed on it.

I have before remarked that the frames of vessels constitute only about one-fourth part of the whole timber used in their construction; and collecting and preserving that one-fourth seasonably, fully, and carefully, as we may, there is, in addition, to be provided, either beforehand, or from time to time as needed, the large quantity of treble as much other timber, consisting, generally, of white oak, pine, larch, cedar, locust, and elm, but which, being more perishable, and more widely diffused over the country than live oak, and not usually costing more than one-third as much per foot, does not attract so much public consideration.

Our proceedings, in respect to the timber other than live oak, under the act for the gradual improvement of the navy, whether in reserving public lands on which it grows, or in purchasing it for deposite, and all our actual means, and our true policy as to obtaining, hereafter, the other kinds of naval timber, do not come within the scope of this communication, and, consequently, are not now detailed. But, as their quantity must be so large as three-fourths of the whole consumed, this circumstance renders the subject worthy of much attention, and enforces, very strongly, the expediency of securing now in live oak, while the opportunity continues in our power, at least a quarter of our whole future wants.

This is peculiarly incumbent on us, when we are able to secure it in such an invaluable kind of timber as, being placed in a due state of preservation, will probably remain sound for ages.

The difference between the duration of vessels built of timber recently cut, and those of timber in this way well seasoned, is generally computed at about one-third in favor of the latter, and, in respect to live oak, is greater than one-third; and alone furnishes another strong argument for a continuance as well as an enlargement of the present policy of procuring, long in advance, and of thoroughly seasoning by immersion in water, and then by sheltering under sheds, the whole of our live oak timber designed for naval architecture. From all these data, it appears that all our annual wants, while our present force and present policy remain not essentially changed, will amount to about 62,286 cubic feet of live oak timber. This is 3,400 feet for small ordinary repairs; 25,886 for rebuilding to supply accidental losses and great natural decay; and 33,000 for deposite for gradual improvement.

In order to ascertain how this quantity is hereafter to be obtained, it may be useful first to advert a moment to the whole aggregate amount of our supplies of live oak timber heretofore procured, and the manner and places in which they have been procured. As before stated, we have heretofore purchased, in all, about 168,000 feet of live oak, for repairs; about 974,363 cubic feet, that has been made up into vessels; and about 431,845 feet now in depot for gradual improvement, exclusive of repairs.

The only deficiency in this amount arises from some small quantity of live oak timber in depot during the late war, having been used in the ordnance service for gun carriages and platforms, and about 15,000 feet having been destroyed in the conflagration in this city in 1814. Both of these quantities did not probably exceed 20,000 feet. The whole amount of our supplies then, heretofore obtained in any way, and from any quarter, having been about 1,594,208 cubic feet, these would, on an average, be about 45,549 feet per year, and about one-fourth less than the whole quantity per year estimated as proper and necessary to be hereafter obtained.

These supplies have been procured nearly in the following manner and places: From 1797 to 1800, the demand for live oak for public use was new and considerable, and was chiefly satisfied from the islands and coasts of Georgia and South Carolina. From 1801 to 1816, but little of this kind of timber was obtained in any place for the navy; but all which was obtained, down to the last named year, was cut principally from private lands, except what came from Grover's and Blackbeard's islands, which, having been purchased by the Government, were afterwards allowed to be stripped of their timber, under contracts with individuals. Even down to 1822, most of this kind of timber procured for the navy, though soon after the late war, to a very large amount, was purchased by the contractors, from private lands. The chief exceptions were as to what grew on the above islands, and some small quantities cut on the public lands in Louisiana.

In 1817, the Government began to adopt means for preserving their live oak in Louisiana; and, between that date and 1822, explored and reserved about 19,000 acres of public land, the growth on which was supposed to remain uncut as late as 1827. (Report No. 114, House of Reps. January 29, 1827.)

Since the purchase of Florida, in 1822, the quantities obtained on public as well as private lands have been great; but since 1826, as attention to the preservation of timber on the former has increased, most of the live oak used has been cut from the latter. A little reflection on these facts will enable us to calculate with greater confidence, in respect to the probable and best manner and places of obtaining our future supplies.

Notwithstanding the purchase, by this department, of so large a quantity of live oak since 1797, and especially since 1816, besides all of this kind of timber which has been used in the merchant service during that period, either in this country or shipped abroad, yet one striking, and in some degree controlling circumstance appears, which may serve to test the accuracy of all opinions on the extent of our present resources in live oak. The prices given by the Government continue about the same as in former years, or, if essentially changed, have become

somewhat lower, and would seem clearly to evince the little difficulty which, as yet, has existed, or is likely immediately to exist, in so wide a range as from South Carolina to the Sabine; in finding chiefly, though not entirely, on private soil, an adequate supply for our usual wants.

The prices for live oak timber delivered at our yards in A. D. 1799, and of a size suitable for ships of the line, were $1 33 per cubic foot. But some of the contractors at that price failed to fulfil their engagements, and it is reported, though the defective state of our early records does not enable us to ascertain the truth, that those who did fulfil their engagements obtained additional allowances.

In A. D. 1801, the Secretary of the Navy estimated that this timber, when so delivered, would cost $2 per cubic foot, if suitable for ships of the line. Nothing further on this subject can be found, till A. D. 1816, when we paid for live oak timber delivered $1 55 for frames of seventy-fours, $1 42½ for those of frigates, $1 15 for those of sloops, and $1 for promiscuous timber. In A. D. 1826, we paid for the second description of frames $1 20 and 1 25 per foot, and the former price for the last kind of timber. In A. D. 1827, we paid for the first kind $1 37 and 1 50, for the second $1 25 and 1 45, for the third $1 15 and 1 25, and for the last 80 cents and $1. In 1829, for the second $1 30, and for the last 87½ cents, and offers have been made the present year, and accepted, for the second at $1 09 and 1 50, and for the last at 87½ cents and $1.

Originally the prices may have been somewhat enhanced, from the circumstances that the freight of the timber was somewhat higher than it has been of late years; that the supply of live oak was then, and probably would continue to be, more limited than subsequent explorations and acquisitions of territory have shown it to be, and that the Government then owned no public lands yielding live oak, and enabling it to prevent individuals from exercising an undue control over the market. But it is to be remembered that some of the contractors at the first prices did not feel able, at that rate, to fulfil their engagements, and that, between A. D. 1799 and A. D. 1816, all kinds of ship timber on seaboard have generally been supposed, from the increased settlement of the country, and the augmentation of our commercial tonnage, to have risen about ten per cent. We may have been, in this respect, somewhat influenced by the foreign demand, and may, on this point, derive some instruction from a moment's attention to the fluctuation of the prices of naval timber in England during about the same period. There, in A. D. 1792, a careful examination of her domestic resources resulted in a conviction that a scarcity, especially of large timber, had begun to prevail; and from that year to A. D. 1811, the prices rose over one hundred per cent. This probably happened, not only from the above scarcity in her home production, but from increasing difficulties in her long wars in obtaining supplies from other countries, and from a larger demand to construct and sustain an enlarged navy. But, in A. D. 1811 and 1812, the prices which, from about £3 sterling in 1792, had risen to £11 and 12 sterling per load, or about $1 28 per cubic foot, began to fall, and in A. D. 1814, it was testified before a committee of Parliament, that the extension of canals into the interior to new forests of oak, the improved attention to thinning out the oak, which had ceased to be thrifty in the old forests, hedge rows, and parks, and the new plantations, which had been made in consequence of such high prices, would probably, without much necessary importation of foreign oak timber, furnish an ample supply of it in future. Accordingly, we find that prices fell nearly one-half between 1811 and 1819, as relates to domestic timber, and about one-third as respects foreign timber.

In this country, it is well known, that, during the last eight or ten years, the prices of most articles have nominally fallen; but the particular causes which have effected it, need not here be examined, as they are not believed to have had a very material operation on the cost of live oak timber.

To pursue the general inquiry concerning the probable sources and extent of our future supply, I see no indications of the length of time that we should be able to obtain it from private lands, except what may be derived from the low prices at which it is now procured; the quantity reported by the agents to be still remaining on private lands between the St. Mary's and the Sabine rivers, and on which some further remarks will hereafter be offered; and the general information as to the whole private supply derived from other quarters.

Having noticed these prices, and the quantity reported by the agents within the above limits, it only remains to be stated under this head, that the general information I have been able to collect about the private supply is, that no great quantities of live oak timber suitable for ship-building now remain on private lands in Georgia and South Carolina.

Some trees, too small for cutting thirty years ago, have since reached maturity, and a few are now standing in some of their forests, and especially on some of their islands. In certain places, the natural growth on land, cut over from 1795 to 1801, has been permitted to spring up and remain, but, generally, the live oak lands in those States, being valuable for cotton and other crops, have been brought into cultivation.

The quantities on private lands in Florida, Alabama, Mississippi, and Louisiana, are, without doubt, much greater than in Georgia and South Carolina, and even greater than the results presented in the second tabular statement.

Because all the districts have not yet been fully explored by our agents, and because their instructions, except in peculiar cases, did not require them to report, so far as they have explored, all the live oak trees suitable for ship timber growing on private lands.

Extending southwestward of Louisiana, some recent explorations in Texas favor the opinion that this kind of timber exists there in considerable quantities; but I am not aware that our contractors have yet obtained any from that province, or any other foreign source.

Should the prices of this kind of timber rise much hereafter, some of it might perhaps be purchased there to advantage, though a dependence on any foreign supply, for reasons hereafter given, would be very injudicious. In the event of a great increase of price, individuals within our own boundaries would be tempted to the more careful preservation, if not to the artificial cultivation of it in the most appropriate situations.

But, under existing circumstances, it would be unsafe to rely on individuals, either to preserve long what now exists on private lands, or to create a larger supply; because it would not be an object of profit to them, either to save or to cultivate artificially the live oak tree merely for sale, unless the prices of this kind of timber should become much higher, or the common cultivated products of the soil on which this tree is indigenous, should become much less valuable.

In England, the lands on which oak, to advantage, can be planted or reserved for profit alone, are generally considered such as could not yield, in cultivation for grain, over fourteen shillings, or about three dollars and thirty-six cents rent per acre; and the timber must sell, standing, at the rate of three and one-fifth shillings, or seventy-six cents per foot.

The bark is valuable here as well as there; but the loppings and trimmings, which are of much importance there, are here entirely worthless. Besides this, most of our live oak lands cost much less than oak lands there, are less burdened with taxes, and, when cleared, have formerly

yielded large and profitable crops, though not perhaps equalling the English gross income per acre under the operation of her corn laws. Furthermore, the live oak timber on our lands has often sold, standing, at only twenty-five cents per foot; and, from the eagerness to clear and cultivate rich lands in a new country, has sometimes been sold at ten cents per foot. Indeed, purchasers, when wanted, are sometimes not found at any price, and the tree is then either girdled, and thus destroyed, or cut and consumed, in a laudable eagerness to obtain room for cultivated crops. But should the prices of cultivated crops at the South continue to fall, as during a few years past, and should the prices of this kind of timber rise, then it will be seen that a point may be reached where the timber crop would be more profitable than the cotton or sugar crop, and not till then will the live oak tree become either well preserved, or well reared on private lands.

As circumstances now are, it is highly probable that most of the live oak at this time growing on private lands, and on such of the public lands as may hereafter be sold and become private, (the timber on them not being so valuable as to justify their reservation,) will, as fast as the country shall become generally settled, be offered in the market to supply the demands of the navy, and of the merchant service.

Though live oak trees are generally either in detached hammocks, or very sparsely scattered at remote distances over the regions suitable to their growth, yet the whole quantity of timber that will, in the above manner, be offered for sale from private lands, must probably be considerable for some years.

Without taking the islands and coasts of South Carolina, Georgia, and Texas, into the following computation, there is a tract, from the St. Mary's to the Sabine, of over 1,300 miles in length, and about 20 in width, on which, in many places, the live oak is known to grow spontaneously. Of more than seventeen millions of acres within that tract, individuals are now supposed to own nearly one million. In ten or fifteen years, as the disputed titles become settled, and the public lands not reserved are put into the market, individuals will probably own six or eight millions of acres. Whatever of these trees may be found on many of the forest parts of these six or eight millions of acres, though generally much scattered, and often so remote from water transportation as to be of little value, and what few may be obtained from other places, before enumerated, must furnish all the estimated supply from private lands. Most of this timber, within our own limits, may be deemed secure for the public service if we choose to purchase it, as its high price, in the first instance, compared with that of other timber, being about treble in amount, and the prejudices or supposed interests existing against its use among the mechanics engaged in shipbuilding, have generally prevented its very extensive employment in the construction of other than public vessels. But some of this timber growing on private lands will doubtless continue to be worked up in the merchant service; and, as the owners of vessels look to their remote interests, its use, in this way, will increase. In general, however, it will not be of the most valuable and scarce dimensions, because, whatever may become the extent of its use here in private vessels, the more abundant the small and cheaper pieces, not suitable for the larger rates of public vessels, will usually, though not invariably, be employed for private ones.

It would give me much satisfaction to form an estimate on which perfect reliance could be placed as to the precise number of years this supply, which we may obtain from private lands, would probably meet our naval wants; but I have not sufficient data for that purpose. A similar, though not so great, difficulty exists in ascertaining how long the timber growing on public lands will, without artificial cultivation, suffice to supply our annual demands, when it shall become necessary or expedient to resort to that source.

But such further information as I have been able to procure, bearing on both these points, it is deemed proper to present, in order that Congress may have embodied, in one document, all the data which the department possesses, and which appears entitled to some consideration before forming any thing like a decisive opinion on those interesting points.

A table was prepared in A. D. 1830, of all the live oak timber which, before A. D. 1819, in a small part of Louisiana, and before A. D. 1827, in South Carolina, Georgia, and part of East Florida, had been examined and reported by former agents, as growing on either public or private lands.

The quantity in that small part of Louisiana was computed at 350,000 feet. The quantity in the other places, above named, was computed at 734,200 feet; making an aggregate of 1,084,200 cubic feet. But, in December, 1830, the navy board supposed some of the former, and large portions of the latter, had been removed. Much of the latter was also supposed to be old and decayed. It will be seen, likewise, that most of the latter was growing on private lands. [Doc. 178 of House of Reps. in March, 1832, pages 25, 26.] In February, A. D. 1831, a further table was prepared from the reports of agents, from actual examinations in West Florida, giving a result, so far as then examined and reported, of 1,130,655 cubic feet more.

The Secretary of the Navy, at that time, supposed there existed on both public and private lands, which had then been examined, about 2,214,855, cubic feet. [Rep. No. 102, page 68.] But the imperfection of all the examinations which had been made in East Florida, and the absence of any examinations in the greater part of West Florida, Alabama, Mississippi, and most of Louisiana, and the ignorance of what portions grew on public, and what on private lands, and what had been cut and removed from either since former examinations, in 1819 and 1827, led to a new system of districts and agents, whose chief duties were to make a further and full examination and report of the whole live oak timber which might be found still to remain on lands belonging to the public, and of the most valuable lots of this kind of timber noticed on private lands. The result of those examinations and reports, so far as completed, has before been detailed. These examinations have been completed in the third and the fourth districts, and principally in the fifth and sixth districts. In the others, extensive tracts remain yet to be explored, and especially in the first district, between Cape Sable and Cape Florida, and in the western part of the seventh district. It is represented that large quantities of valuable live oak timber exist on the public, and some on private lands, in those regions which have not yet been accurately examined by the present agents, and hence are not included in the tabular statements.

In the seventh district there are known to be, on islands examined in 1819, many trees remaining, but not yet reported by the present agent for that district; and on other lands similarly situated, a further number seen, and estimated at about 85,000, in A. D. 1831, by one of our navy officers.

By recurring to the limits of the several districts, as described in the communication from this department, at the last session, [Doc. 102, F. No. 2,] and as laid down on the map, it can be seen what parts remain to be examined by the present agents. It is probably about one-third of the whole.

Taking, then, only the medium estimated quantity of 448,750 feet of timber, examined and reported by the agents as remaining on private lands, without including

Georgia or South Carolina, or any allowance for the one-third not yet explored, and it would, if all procured for the navy, supply all our demands, estimated at 62,286 feet annually, during seven or eight years. Making every reasonable addition to, or deduction from, the above estimated quantity, and every due allowance for such portions of that quantity as may be sold to the merchant service, and for any other considerations, it is still manifest, from all the facts before us, that our probable annual wants can, for some years to come, be chiefly supplied by purchases of live oak timber growing on private lands. But whenever the prices of this kind of timber shall rise, so as to indicate a great scarcity on private lands, and an unwillingness or inability, even at those prices, in individuals, either to preserve or to cultivate its growth, for sale, fast enough to meet our annual demands, I think it will then become our true policy to permit the older and larger trees to be removed, for the public use, from the public lands. Even before that event, those trees on the public lands which have begun to decay, or, from any cause, have ceased to grow, might be sold advantageously to the contractors in aid of the other supplies obtained, from time to time, from private sources.

Should a removal, in this way, be enough to satisfy the balance of all our annual demands, our resources would thus continue inexhaustible for many years; or until the private sources so fail, that this mode of cutting from the public lands will not furnish a sufficiency for the balance. But if a further indiscriminate removal should become necessary to supply the full amount of all our annual demands, and if we take as correct the medium estimated quantity of 7,232,750 feet of timber, examined, and reported by these agents as now remaining on the public lands, without including any allowance for what may be found on the above mentioned one-third of these lands not yet explored by them in some of the districts, that quantity would supply the whole extent of all our annual demands, as at present computed, during about one hundred and sixteen years after the private resources entirely fail.

But it would hardly be found necessary or judicious to retain the whole or any large portion of the sixteen millions of acres of public land in the live oak region, in order to secure the whole of this timber, and then to resort to indiscriminate cutting for a supply of our wants, on the hypothesis that the tree would be spontaneously reproduced on so large a tract, as soon as it again would be wanted for use. On the contrary, it has been found more economical and useful to reserve only such tracts as are nearest navigable waters, and yield the most and largest trees to an acre; because it is only on such tracts that the value of the timber, when standing, will exceed the usual price of the land; and because nearly, if not quite, a sufficiency of such tracts to furnish all our demands may require, can probably be found within the live oak region, and will not include more than a hundredth part of it, as necessary to be reserved, according to some further data which will soon be presented.

But, however this may be, a different course from that of an indiscriminate removal of this timber from the public lands reserved would seem to me proper when private resources shall principally fail. Then our annual demands may have become increased by a larger force in commission, or reduced by some diminution in our wants of timber for frames in depot; yet, whether larger or smaller, should the removal from the public lands of only the older and larger trees, and of those which, from any cause, have ceased to grow, not be succeeded, as fast as our demands require, by a sufficient supply, through the careful preservation and the enlargement of the younger and spontaneous growth on the public lands, and through the means and enterprise of private cultivators of the live oak, it will then, in my opinion, become judicious not to cut over our own reserved lands indiscriminately, unless we find our reservations prove large enough to reproduce, in due season, all the timber our wants may then, and probably in future, require. In any other event we should, to avoid exhausting our supplies, adopt the plan, and incur the expense of artificial planting, thinning, and pruning, so far as may be then computed necessary, to make up a full and seasonable provision for all our necessities. This should, of course, be done in situations on the reserved public lands adjoining navigable waters, and, in all respects, most favorable to success. If we ever become obliged to cultivate this tree extensively, I think this "plan or system," pursued in the manner hereafter detailed, will, in the language of the resolution now under consideration, be "best calculated to secure to the nation an adequate supply of this material." In appropriate soil, the sprouts from the roots and stump of the live oak are found to be very numerous and thrifty; and the preservation and trimming of the best of these bid fair, from experiments already made, both here and abroad, to succeed better than the transplanting of saplings, or the planting of the acorn, in the place where the tree is intended to grow. Should the sprouts not vegetate spontaneously in situations where wanted, then, of course, the planting of the acorn, or transplanting of saplings, would, in these situations, become necessary. From these sprouts, in a good soil, it is computed that, in fifty years, (about the duration of the live oak timber in a vessel,) trees will grow of an ample size for shipbuilding; though in poorer soil, and from the acorn, seventy, eighty, or one hundred years, might be necessary. The trees, as wanted for use, should be cut and removed only as they reach their full size, or are found too thick for a luxuriant growth, or from any cause have ceased to be thrifty. Experience abroad has shown, also, that, after an oak tree has ceased growing, though it may remain standing for many, and tradition says of some abroad, hundreds of years, without material injury, yet it is more economical, and the tree is better for naval use, if, soon after it has ceased growing, it be cut, and the timber placed, first, in dock, and afterwards under cover. Such trees not increasing in size or value, might, as before remarked, be sold to advantage to contractors, before a general resort is had to other trees on the public lands, and their places could be profitably occupied by new trees springing up, and annually increasing in size and value.

But, in reply to an inquiry made by the committee on live oak, of the last session, on the subject of cutting and depositing timber in sheds on the soil where it grows, I have no doubt, from the cost of building sheds on the ground where the trees are cut, [Doc. No. 85, Ho. of Reps. 19th Cong. 1st sess.] and the inconvenience, in an exigency, of not having our deposites of timber at the places where it may be wanted for use, that the best policy will be to remove our timber to the latter, soon after being cut, rather than to put it in depot on the lands, at a distance from the ship yards where it will be wanted for use.

From twenty to thirty trees to an acre are as many as should be left to grow to maturity. They are seldom found in their natural state, of full size, with half that number on an acre, because many young trees get destroyed by various means; the whole soil, in any one acre, seldom produces the live oak spontaneously, and trees of different species are often found intermingled with it.

Another mode of computation may serve to illustrate our sources of supply, before being compelled to resort much to any artificial system of cultivation.

It will be recollected that our whole annual demands have been estimated at about 62,286 feet; and this, at the medium rate before mentioned, of 50 feet per tree, would require, yearly, 1,245 trees; and at only 20 trees per acre, or half the proportion allowed of English oak, in artificial

plantations, would include the growth of 62 acres annually; and calculating 75, the average between fifty and a hundred years, as necessary to reproduce the live oak after once cut down, it would take only 4,640 acres to meet our whole annual demand of live oak in all future time, at the present size of our force afloat, and on our present policy in providing for its gradual improvement. But this estimate is not, in my opinion, sufficiently large as regards the number of acres which may probably be required, in their natural condition, to supply all our wants of live oak timber.

From the peculiar character of the growth of the live oak in detached hammocks or trees, and from our system of surveys into only sections, halves, and quarters, the lands hitherto reserved on account of their live oak timber do not generally contain over two trees to an acre, on an average; and, in very few cases, are there over five full grown and sound live oak trees on an acre, taking the whole of any one reservation. [No. 102, page 80, Feb. 1831, rep. in Ho. of Reps.] Considering, then, that two such trees to an acre, in the manner of its natural growth, and of one reservation, is a more correct estimate than twenty; and that, in such case, fifty feet to a tree, the medium computation, may not be too high, but rather below than above the truth, as to the size of this monarch of the forest, and allowing the largest time of a hundred years for a tree to reach maturity, it would only require us to reserve, in all, 62,286 acres to enable us hereafter, without the purchase of more trees or more lands, to have an inexhaustible source of supply of this important material for a navy not larger than our present establishment. Computing only 20 feet to a tree, the smallest estimate, and the number of acres should be increased to 155,710. Computing 80 feet to a tree, the largest estimate, and the number of acres would be reduced to 38,900.

In order to meet the contingencies and injuries from fires, depredations, and other causes, and especially from the probable failure, hereafter, of our title to some of the lands reserved, it may be judicious to reserve, in all, at least, 160,000 acres of live oak timber land, which will be nearly three per cent. more than the largest number of acres I have before estimated, and 60 per cent. above the quantity deemed probably sufficient or necessary for our present demands, and present policy as to gradual improvement. Pursuing this course, should we hereafter find that we have a large surplus of timber, some of the reservations ascertained to be least valuable for their live oak can be sold to advantage for cultivation; and if both lands and timber should rise much in value, still further and profitable sales could be made of the lands as the timber is removed from them. In this event, or in case of our demands for live oak becoming likely to be much enlarged at any future time, artificial cultivation could be resorted to on the best reserved lands left, so as easily to increase, in due season, double and quadruple their natural produce of live oak trees to the acre.

We have already reserved, within a few years, 67,417 acres of live oak lands, and on the most liberal estimate, as to a sufficiency, in their natural state, should reserve less than 100,000 acres more, to supply, forever, all that may be required by the demands and policy before mentioned.

More than this further quantity has already been recommended by the agents for reservation, on account of the valuable growth on it of live oak, and most of which has not yet been reserved, in consequence of its not having yet been surveyed. The 19,000 acres reserved long ago as 1819, in Louisiana, and not yet re-examined, may be found still so covered with timber as to justify a reliance upon that as a part of the further quantity needed. [Doc. 178, in March, 1832, pages 25 and 26. Rep. No. 102, page 71, February, 1831.]

In England, it has been computed that only 102,600 acres, in artificial cultivation, would be necessary to supply the whole wants, in oak timber, of their vast naval establishment. But, to draw any just comparison, it must be noticed that oak is understood to be about three-fourths, instead of one-fourth, of the whole timber used by them in the construction of public vessels; that their computation of 102,600 acres rests on the estimate of 40 instead of two trees to an acre, and allows only 90 instead of 100 years for the full growth of a tree; while, on the other hand, it calculates the size of the tree but forty-five feet on an average, and the duration of a vessel in commission at only twelve and a half, instead of twenty, or forty, and perhaps fifty years, and estimates that one-quarter of their annual wants will be supplied by prize ships. Should we be able to reserve or purchase, and then cultivate artificially, other lands, with the like number of other kinds of timber trees per acre, and of the like size and durability with those in the estimates in England, we should need only about 15,000 acres of other than live oak lands for all our present naval wants in other kinds of timber. Or, if all parts of our vessels were built of like materials with theirs, we should need, in artificial cultivation, only about twenty thousand acres, to furnish a constant and durable supply of all kinds of timber for our navy afloat, while we continue to pursue the policy before mentioned as to its size and improvement. This is a ratio of about one-eighth of what is computed to be wanted in England, of all kinds of naval timber, from all sources. These considerations strengthen my conviction, that the above estimate, in respect to our proper amount of reservations of live oak timber land, is ample for our wants as at present existing, or soon contemplated. But the extent of our reservations already made, and able to be made hereafter, as our surveys are extended, will probably enable us easily to enlarge the quantity, to any amount, which other persons may, from these or any different data, deem essential.

At the same time I am fully convinced that, whenever we reach a condition rendering artificial cultivation necessary for a full supply of our reasonable wants in live oak timber, whether sooner or later than seems probable from any data furnished in this report, the expense of that kind of cultivation, to the full extent requisite to furnish that supply, ought not to be permitted to deter us from undertaking it, because I consider live oak timber as invaluable for frames in naval architecture; and a supply of that, or any good substitute, from abroad, would not only render us dependent in so essential an article for national safety, but become very precarious when most needed in war, and be much more costly than the artificial cultivation of the live oak tree on our own soil, where it is indigenous and luxuriant. Besides the independence which would be thus secured for one strong support of one great arm of our country's defence, we would not appear to depart, as facts now are, from a maxim in political economy, generally sound, to obtain all our supplies "of the best quality, and at the lowest prices," whether at home or abroad. The live oak is a supply "of the best quality," because it is superior in strength, resistance, and hardness, to the celebrated British oak, which forms "the wooden walls" of England. It is, when used for frames, much more durable than that, or even cedar, which the ancients called "the everlasting wood," and in some qualities surpasses the teak of India, which is confessedly the best timber, for the greatest number or variety of naval purposes, that the research of man has yet discovered. It is a supply at the "lowest prices," also; because British oak, if we could obtain that, would probably cost now, at the port of exportation, exclusive of freight here, about four shillings, or ninety-six cents per foot, when the live oak costs, delivered here, only about 120 cents per foot, on an average; and will last twice, if not thrice as long, and require only about one-third as much for annual re-

pairs. Our own white oak, at 40 cents per foot, could probably be had in considerable quantities for frames of vessels; but it is somewhat less durable than the British oak, and is, obviously, for that reason, coupled with the increased expense for labor as well as materials, in frequent repairs and rebuilding, much less economical than the live oak. The teak, procurable sometimes in Africa, but chiefly in India, and there at over half the price of our live oak, would not, with profit, bear the long transportation to this country, as it will not from India to England, except when made up into vessels, and earning freight.

These comparisons are made on existing prices; but should the present rates vary much hereafter at home, the change may, or may not, extend in a like ratio to prices abroad, when it shall hereafter become necessary to cultivate the live oak, or to seek a substitute; and, of course, the influence of this consideration, as respects the lowest prices, cannot now be calculated accurately for any period except the present one.

Besides the reasons above suggested against any dependence on foreigners for a supply of so important an article, or any known substitute for it, and even against an entire dependence for either of them, on the foresight and enterprise of individuals at home, it should be remembered that deficiencies during one or a few years in other naval materials, such as iron, copper, cordage, canvas, &c., however happening, can, in general, be soon remedied by a larger production or manufacture; but deficiencies in this kind of timber cannot be remedied by producing more in a shorter period than one-half or three-fourths of a century; and hence it becomes an object of great public moment to make or ensure a suitable and independent provision long beforehand, of an article so necessary, and so entirely within our own resources.

Of the success of the above mode of artificial cultivation, or of the mode from the acorn, or by transplanting, I entertain no doubt, should it ever become necessary to resort to either of them. Some experiments in this country with the live oak, in the first and last modes, have terminated favorably; and in France and Spain, as well as in England, many trials, chiefly of a species of white oak, and for naval purposes, have, on a large scale, and in all of these modes, proved, in various degrees, successful. When, between 1794 and 1812, timber rose gradually in England from £3 and 4, from which it had not essentially varied during a century, to £8 and 10 per load, the attention of Government, as well as of individuals, became more directed to its artificial cultivation. The Government, which, in 1792, had refused to set apart and plant in all, for future public use, 100,000 acres, then recommended by the commissioners of woods and forests, had, within a few years previous to 1812, planted 16,000 acres more than they before cultivated for timber. After the increase of their navy towards the close of the 16th century, and after the great destruction of timber about the middle of the 17th century, partly arising from increased wants, and partly from a diminution in that reverence, which had been almost Druidical, for the oak in forests, parks, and ornamental borders, they found a great scarcity commencing, and large plantations were made, chiefly under the advice of Evelyn, given on application of "the principal officers and commissioners of the navy."

The trees on these plantations having reached maturity, had been chiefly cut down before A. D. 1811. It is said that when the new plantations were made about 1811, all the old public forests and plantations had not yielded, for many years, 50,000 feet annually. In A. D. 1829, they added to their plantations 2,700 more acres, and had, in all, for the growth of navy timber, in February 1831, about 52,852 acres of public land. [13 v., Parliamentary accounts, 820 page.]

But the resources to be derived from these new efforts by the Government, commencing about 1809, could not be available to any great extent, under half a century more, and in the mean time supplies were to be drawn chiefly from private lands at home, and from foreign importations. Importations from 1760 to 1788, had constituted about one-tenth of the whole consumption in their navy, and in 1802 they had become about one-fourth. From 1812 to 1819, the average consumption of foreign timber for all purposes, increased so as to be one-third larger than it had been from 1799 to 1811, [Report on Foreign Trade, 1829, appendix 153,] and from 1820 to 1830 it nearly doubled in amount. [Parliamentary debates in 1831, pages 456, 566, 882.]

These great supplies from abroad, sometimes from Brazil, and sometimes from Africa and the Adriatic, though oftener from the Baltic and America, have not only evinced the extent, the excellence, and variety of English resources abroad, and part of them in her own dependencies, but have contributed, with the high price of land in England, the great incidental expenses of managing their forests and plantations, the long time for the oak to reach maturity, and the reduced prices of timber from such large importations, to check somewhat the favorable opinions generally entertained there towards the continuance of a system of artificial cultivation by the Government. Indeed, some persons have lately proposed an entire abandonment of it, and a sale of the lands for clearing and ordinary cultivation, as better comporting with economy, and the probable facilities of obtaining sufficient and cheap supplies in future from other sources. [Mathews, 82 page, on naval timber.] But our situation, as to live oak and live oak lands, as well as other sources of supply, are, and hereafter may be, very different from that of England.

The growth of live oak is, in a great measure, though not entirely, confined to our own country, and none of our supplies have ever yet been obtained abroad. The superior quality of this timber prevents our procuring abroad, at any reasonable expense, a useful substitute; and a state of war, from reasons very obvious to most persons, would affect and impair any foreign supply we might seek, much more than it would that of England, while the condition of our live oak soil, owned by individuals, prevents the hope of their making any effort at any thing like the present prices, to preserve or rear, as is often done abroad, a domestic supply beyond the timber now growing. The low price and great abundance of our public lands, on which the live oak tree spontaneously thrives, will probably enable the Government long to obtain from them a sufficiency to meet all our demands for it, without much attention to its artificial increase, and, in any event, to cultivate it so far as at any future period may be found necessary, at an expense comparatively small.

But on the facts and estimates herewith submitted, imperfect and inaccurate in many respects, yet as little so as practicable, I can see, in order to secure for our navy, while of its present size, an adequate supply of live oak timber, no occasion, at this time, either to make further purchases of private lands on which this tree grows, or to carry the artificial cultivation of it on any of the public lands, beyond what has already been attempted.

With much respect,

LEVI WOODBURY.

To the SPEAKER *of the Ho. of Reps.*

Message from the President of the United States, returning to the Senate, in which it originated, the bill entitled "An act providing for the final settlement of the claims of States for interest on advances to the United States, made during the last war," with his objections thereto.

WASHINGTON, *December* 6, 1832.

To the Senate of the United States:

I avail myself of this early opportunity to return to the Senate, in which it originated, the bill entitled "An act providing for the final settlement of the claims of States for interest on advances to the United States, made during the last war," with the reasons which induced me to withhold my approbation, in consequence of which it has failed to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle, in the allowance of interest, different from that which had been sanctioned by the practice of the accounting officers, or by the previous legislation of Congress, in regard to advances by the States, and without any apparent grounds for the change.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the Government, and which, in its consequences, and from analogy, might not only call for large payments from the treasury, but disturb the great mass of individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of your last session. I adopted this course the more readily, from the consideration that, as the bill contained no appropriation, the States which would have been entitled to claim its benefits, could not have received them without the fuller legislation of Congress.

The principle which this bill authorizes varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts, and in those of the States finally settled and closed previously to your last session, but also from that pursued under the act of your last session for the adjustment and settlement of the claims of the State of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of Congress in previous cases, and with the uniform practice of the Auditor by whom the account was settled, was computed on the sums expended by the State of South Carolina for the use and benefit of the United States, and which had been repaid to the State; and the payments made by the United States were deducted from the principal sums, exclusive of the interest, thereby stopping future interest on so much of the principal as had been reimbursed by the payment.

I deem it proper, moreover, to observe that, both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the accounts between the United States and the individual States, arising out of the war of the revolution, the interest on those accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations, I return the bill to the Senate. ANDREW JACKSON.

An act providing for the final settlement of the claims of States for interest on advances to the United States, made during the last war.

Be it enacted, &c., That, in ascertaining the amount due by the United States to any State for advances made by said State for the United States, during the late war, interest shall be allowed and paid on the whole amount of the principal sums which have been, or may be, refunded by the United States, from the time the same was advanced by the States, respectively, until the same shall have been refunded as aforesaid; the sums refunded from time to time being first applied to the extinguishment of the interest accrued at the time such sum was refunded, and the balance, after satisfying the interest due, shall be applied to the extinguishment of the principal; and that, for interest actually paid by the States for money borrowed by them, and applied to the service of the United States, the same rate of interest shall be paid to each of the States as such States shall have paid.

A. STEVENSON,
Speaker of the Ho. of Reps.
LITT'N W. TAZEWELL,
President of the Senate pro tem.

I certify that this act did originate in the Senate.
WALTER LOWRIE, *Secretary.*

Message from the President of the United States, in relation to the Consular Establishment of the United States.

WASHINGTON, *March* 2, 1833.

To the Senate:

I transmit, herewith, for the consideration of the Senate, a report from the Secretary of State in relation to the consular establishment of the United States.

ANDREW JACKSON.

To the President of the United States:

SIR: The report which you directed to be made on the consular system of the United States, has hitherto been delayed, from the desire of laying before Congress all the facts and observations necessary to a proper course of legislation on a subject so important to our commercial interests. These could only be procured from distant and various sources; and it was soon found, from the course of public business, that no final action could be expected on a subject in which such a variety of opinion was to be expected, at this session, when other objects seemed to engross the attention of the Legislature. Even at this late day, the information I expected is far from being complete; and additional facts may perhaps induce different deductions before the subject can be finally acted upon. In the mean time, what is now presented, in obedience to your direction, may show the inconveniences of our present system, if one it may be called; prove the necessity of some change; and, by presenting the several remedies for the evil that have occurred to me, perhaps indicate one that may receive the sanction of legislative wisdom.

To a nation essentially commercial like the United States, the consular functions are highly important, and ought to be strictly defined. They are performed in a foreign country, often in collision with the officers of the nation in which they are placed; and therefore public as well as private interests are put in jeopardy by their errors or faults. Frequently, commissioned to reside in countries where there is no public minister of their country, they are forced, in defence of their fellow-citizens, to assume, occasionally, diplomatic power, by addressing themselves directly to the Government: without proper instructions given them by law, they may do this unadvisedly, or indiscreetly, and thus involve their country in difficulties and disputes.

In the various acts they are called on to perform in relation to the commerce of their fellow-citizens, they may assume powers injurious to their interests, or refuse to act, from ignorance of their duty, where the case would seem to require it. In most of these circumstances, they have no legal adviser, and no rule prescribed by law to guide them in the delicate and important questions that are continually calling for their decision. At home every officer is surrounded with the means of obtaining informa-

tion and advice; yet, at home, every officer has his duties prescribed and marked out by law. Abroad, an officer is entrusted with the most important function, out of the reach of control or advice; is left with, comparatively, no written rules for his guidance. In their absence, he frequently puts such construction on his powers as best suits his interest, and avoids taking any responsibility that is not forced upon him. No written rule being given to which the merchant or the ship master can refer in his transactions with the consul, constant bickerings are the result, injurious to the interest of trade, and the reputation of the country. This might, in a great measure, be avoided by laws defining the rights and duties of consuls, establishing a table of fees for their services, and prescribing clearly the duties of American masters, mariners, and merchants, in relation to their consuls in foreign ports. In all this our present system is wofully deficient. Two or three meagre laws, and an equivocal reference to the laws of nations, with some usages of uncertain authority, and differing in different ports, being the only guides afforded the parties interested, so that officers most desirous of restraining themselves within the bounds of duty, and of doing all that it requires, know not how to conform to laws of which they are ignorant, whilst those of looser principles find in this uncertainty the means of vexatious extortion.

The first law on the subject was passed on the 14th day of April, in the year 1792; and its principal object was, as the title of the bill imports, to give effect to the consular convention with France. It, however, contains some general provisions, which, since the French convention has been annulled, have formed the groundwork of our consular system. These provisions extend only to the authority given to consuls to receive protests and declarations; to give copies under the consulate seal; to settle the affairs of American citizens who shall die within the consulate; to secure property saved from wrecks; to provide for the deposite of the ship's papers; and to afford relief to destitute American seamen. These are the subjects in relation to which specific duties are assigned by the law above mentioned, and another passed 28th February, 1803; but more enlarged general and undefined powers are given by the 9th section, which enacts that the "specification of certain powers and duties to be performed by consuls and vice consuls, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act."

These are all the statutory provisions on this important subject; a bare perusal of which will show how many points are left unprovided for. Among these, that which creates the most frequent cause of misunderstanding between the consuls and masters of vessels, is the want of a bill of fees extending to all the acts which a consul may be called on to perform.

The general reference to powers and duties resulting from the nature of the appointment, is also the source of much difficulty. No instructions having yet been given, either by the Legislative or Executive Department, to define these powers, or to define their powers, or to prescribe the compensation to be given for the exercise of those duties thus indefinitely alluded to, the consul is left in the one case to the exercise of his own, often very imperfect, knowledge of the general duties of his office; and, in the other, to the estimate he may form of the value of his services.

A more precise designation of the duties of consuls is therefore of the first necessity; and if the system of compensation by fees should be persevered in, it would require a more particular table of those which ought to be received.

The first, as far as the powers of the department could extend, has been attempted by the circular instructions annexed to this report; but legislative action seems absolutely necessary to extend the powers where they are deemed inadequate, or to restrict them where they may be supposed to be too extensive.

The subject of compensation is one that has engaged my close attention since I have had the direction of the department, and I have no hesitation in giving a decided opinion that the exaction of fees has been the source of misunderstanding between our consuls and the masters of vessels, injurious to the reputation of the country; that it is degrading to the officer who is obliged to wrangle for them, is unequal in its operations, oppressive to our commerce, and ought either to be wholly abolished, or so modified as to make the operation of the system more equal, by apportioning the amount to the size of the vessel, or, if possible, to the value of the cargo.

But I cannot avoid expressing the opinion that these officers, like all others, should be compensated by adequate salaries, and should be prevented from engaging in commerce. According to the present system, our consuls, with very few exceptions, are commission merchants, anxious, like all other merchants, to increase their business and obtain consignments. In many, perhaps in the greater number of cases, the place is sought for chiefly for the advantage and the influence it will give to extend the commercial affairs of the officer. Can it be believed that this official influence will always be properly exercised? When it is, will not contrary suspicions be entertained? This must create jealousy, detraction, and all the arts that rivalship will exercise and provoke, amidst which the dignity of the public officer is degraded, and his influence with the foreign functionaries lost. The consul at least, therefore, if not the vice consul, ought to be salaried officers. They will never, then, by their countrymen, be suspected of acting towards them as their commercial interest, not as their duty, requires; and their complaints in behalf of their fellow-citizens will be attended to, because they will not be liable to the suspicion of advocating their own interest; consular offices would no longer be held in counting-houses, nor the consul himself called, from defending the cause of an injured American citizen, to sell a barrel of sugar, or to despatch the settlement of an account. All fees paid to public officers are taxes; fees to consuls are taxes on commerce. Are such taxes, in the state of our finances, necessary? Are they just? Are they equal? Are they easily collected? None of these questions, it is believed, can be answered in the affirmative. They are certainly not necessary; the customs alone produce more than sufficient for the payment of all the expenses of Government. Why should an extra tax be laid upon commerce, which already bears the whole expense of Government, for the support of a particular set of officers? Should it be said that those who derive the benefit should pay the expenses, it would not seem to be a satisfactory answer. It is not for the sole benefit of the ships which touch at a consular port that the consular office is created; the whole country is interested in the establishment. The concerns of its general commerce, the protection of its citizens abroad, its reputation, is concerned. But the principle itself is a false one. Public officers are established for the general good; and though particular individuals may have more occasion for the exercise of these functions than others, yet those who are under the necessity of applying for their interposition never can with justice be exclusively taxed for the expense of the department which is organized for their protection. The judge receives a salary, yet not one-tenth of the community are suitors in his court. So of all the salaried officers of Government; all the exceptions to the rule are abuses. The evils of such a system are apparent. The question of compensation varies according to the place and the circumstances of the time. It can rarely be accurately known. The collection gives rise to illegal

exactions and oppressions, to disputes, to the loss of official dignity, to the suspicion of bad motives where even they do not exist. In no case are these evils more apparent than in the case of consuls. At a distance from all superintendence, they have greater opportunities for illegal exactions, and that very circumstance makes them more liable to suspicion.

It is easily conceived that, in the infancy of our Government, when we were burdened with a great amount of public debt, every available mode of supporting the different institutions of the country should be resorted to, and that therefore the example set by other nations of supporting particular offices by the exaction of fees, should be followed; but now, when one uniform mode of collecting revenue yields a product more than sufficient for all the wants of Government, why should others liable to so many objections be continued? Nor ought the amount to deter us. According to the list hereto annexed, we have one hundred and fifty-six consuls, vice consuls, and commercial agents. By a proper distribution, these may be classed as follows.

30 consuls, with salaries averaging $2,000, will amount to	$60,000
126 vice consuls and commercial agents, with salaries averaging $1,000, is	126,000
Total annual sum,	$186,000

This is calculated on the present establishment. It is, however, probable that some additions may be necessary; but, as they will be vice consular establishments, the increase for many years cannot be considerable. When it is considered that not only the respectability of the Government, and security of its citizens abroad, will be promoted by this change, but that it is chiefly intended for the protection and extension of that commerce from which the whole revenue of the country is derived, the expense will not be thought too great for the objects.

Such a provision ought to be accompanied by prohibitions of any interest in commerce, with clear definitions of official duty, and heavy penalties for neglecting them: and we might then see these important offices filled, as they should be, by men of talent, education, and respectability of character, who would be the protectors, not the rivals of our merchants, who would command the respect of the functionaries of the ports in which they reside, do honor to our national character, and whose whole time would be devoted to the duties of their office.

Until some change could be made, I have thought it my duty to prepare a set of instructions which might introduce order and uniformity into the system, and correct as many evils as could be done without legislation. These have been referred to before as forming a schedule to this report.

EDW. LIVINGSTON.

DEPARTMENT OF STATE, *December* 15, 1830.

List of the Ministers, Consuls, and other Diplomatic and Commercial Agents of the United States in foreign countries, and of the places of their residence.

ENGLAND.

Aaron Vail,	Secretary of Legation,	London.
Thomas Aspinwall,	Agent, &c., and Consul,	do.
Francis B. Ogden,	Consul,	Liverpool.
Herman Visger,	do.	Bristol.
Robert W. Fox,	do.	Falmouth.
Thomas Were Fox,	do.	Plymouth.
Albert Davy,	do.	Kingston upon Hull.
Robert R. Hunter,	do.	Cowes, Isle of Wight.
Joel Hart,	do.	Leith, Scotland.
Alexander Thomson,	do.	Glasgow.
Thomas Wilson,	do.	Dublin, Ireland.
Reuben Harvey,	do.	Cork.
Thomas William Gilpin,	do.	Belfast.
Horatio Sprague,	do.	Gibraltar.
Paul Froberville,	do.	Isle of France.
Thomas Wynns,	do.	Turk's Island.
W. T. Tucker,	Commercial Agent,	Bermuda.
John Storr,	do.	Nassau, N. P.
Ralph Higinbotham,	do.	St. Christopher and Antigua.
Edmund Roberts,	Consul,	Demerara.
Robert Munroe Harrison,	do.	Kingston, Jamaica.
Charles L. Bartlett,	Commercial Agent,	Island of Trinidad.
John Haley,	do.	Barbadoes.
Paul Eynaud,	Consul,	Island of Malta.
William Carroll,	Commercial Agent,	Island of St. Helena.
Moses Benjamin,	Consul,	British Guiana.
Thomas M. Persse,	do.	Galway.
John Morrow,	do.	Halifax, Nova Scotia.

FRANCE.

Nathaniel Niles,	Secretary of Legation,	Paris.
Isaac Cox Barnett,	Agent, &c., and Consul,	do.
George Strobel,	Consul,	Bordeaux.
Daniel C. Croxall,	do.	Marseilles.
Francis C. Fenwick,	do.	Nantes.
Edward Church,	do.	L'Orient.
Reuben G. Beasley,	do.	Havre de Grace.

Samuel Allinson,	Consul,	Lyons.
Theodore Privat,	do.	Cette.
Jas. Jos. Debesse,	do.	La Rochelle.
Peter Susu,	Commercial Agent,	Guadaloupe Island.
John S. Meircken,	Consul,	Martinique Island.

SWITZERLAND.

John G. Boker,	Consul General,	Switzerland.

RUSSIA.

James Buchanan,	Envoy Extraordinary and Min. Plen.	St. Petersburgh.
John Randolph Clay,	Secretary of Legation,	do.
Abraham P. Gibson,	Consul,	do.
John Ralli,	do.	Odessa.
Henry Schielin,	do.	Taganrog.
Edmund Brandt,	do.	Archangel.

SPAIN.

Cornelius P. Van Ness,	Envoy Extraordinary and Min. Plen.	Madrid.
Arthur Middleton,	Secretary of Legation,	do.
Alexander Burton,	Consul,	Cadiz.
William Stirling,	do.	Barcelona.
George G. Barrell,	do.	Malaga.
George B. Adams,	do.	Alicante.
Maximo de Aguirre,	do.	Bilboa.
Alfred H. P. Edwards,	do.	Island of Manilla.
Payton Gay,	do.	Island of Teneriffe.
George T. Ladico,	do.	Balearic Islands.
Nicholas P. Trist,	do.	Havana, Cuba.
Robert R. Stewart,	Commercial Agent,	Trinidad, do.
John Leonard,	do.	St. Jago, do.
Henry K. Stearns,	do.	Baracoa, do.
Lewis Shoemaker,	Consul,	Matanzas, do.
Sidney Mason,	do.	St. John's, Porto Rico.
John Owen,	do.	Puerto del Principe, Cuba.
Hopeful Toler,	Commercial Agent,	Ponce, Porto Rico.
William H. Tracy,	do.	Guayama, do.
Sampson C. Russell,	do.	Mayaguez, do.

PORTUGAL.

Thos. L. L. Brent,	Chargé d'Affaires,	Lisbon.
Israel P. Hutchinson,	Consul,	do.
	do.	Oporto.
John H. Marsh,	do.	Island of Madeira.
Charles W. Dabney,	do.	Fayal.
William G. Merrill,	do.	Cape de Verd Islands.

NETHERLANDS.

William Pitt Preble,	Minister,	Brussels and the Hague.
Auguste Davezac,	Chargé d'Affaires,	do. do.
John W. Parker,	Consul,	Amsterdam.
John Wambersie,	do.	Rotterdam.
William D. Patterson,	do.	Antwerp.
Thomas Trask,	do.	Surinam.
Louis Paimboeuf,	do.	Island of Curaçoa,
John Schillaber,	do.	Batavia.
Louis Mark,	do.	Ostend.
Jehu Hollingsworth,	do.	St. Eustacia.

AUSTRIA.

Charles Barnet,	Consul,	Venice.
George Moore,	do.	Trieste.
J. G. Schwartz,	do.	Vienna.

GERMANY.

Frederich Kahl,	Consul,	Darmstadt.
Frederich List,	do.	Duchy of Baden.

SWEDEN.

Christopher Hughes,	Chargé d'Affaires,	Stockholm.
David Erskine,	Consul,	do.
C. A. Murray,	do.	Gottenburg.
Helmich Janson,	do.	Bergen, in Norway.
George W. Crump,	do.	St. Bartholomew.

DENMARK.

Henry Wheaton,	Chargé d'Affaires,	Copenhagen.
John Raynals,	Consul,	do.
Nathan Levy,	do.	Island of St. Thomas.
Joseph Ridgway,	do.	Island of St. Croix.

PRUSSIA.

William T. Simons,	Consul,	Elbervelt.
Frederick Schillow,	do.	Stettin.

SAXONY.

C. F. Goehring,	Consul,	Leipzig.

HANSEATIC TOWNS.

John Cuthbert,	Consul,	Hamburg.
Joshua Dodge,	do.	Bremen.
Jos. Hill Clark,	do.	Lubec.
Ernest Schwendler,	do.	Free Imperial City of Frankfort on the Maine.

ITALIAN STATES.

Thomas Appleton,	Consul,	Leghorn, Tuscany.
James Ombrosi,	do.	Florence, Tuscany.
Robert Campbell,	do.	Genoa, Sardinia.
Victor A. Sasserno,	do.	Nice, Sardinia.

ROMAN STATES, AND KINGDOM OF THE TWO SICILIES.

John Nelson,	Chargé d'Affaires,	Naples.
Felix Cicognani,	Consul,	Rome.
Alexander Hammet,	do.	Naples.
Benjamin Gardiner,	do.	Palermo.
John L. Payson,	do.	Messina.

SMYRNA.

David Offley,	Consul,	Smyrna.

BARBARY POWERS.

		Algiers.
George F. Brown,	Commercial Agent,	do.
Samuel D. Heap,	Consul,	Tunis.
Daniel S. McCauley,	do.	Tripoli.
James R. Leib,	do.	Tangier, Morocco.

UNITED MEXICAN STATES.

Anthony Butler,	Chargé d'Affaires,	Mexico.
James S. Wilcocks,	Consul,	do.
George R. Robertson,	do.	Tampico.
Thomas Reily,	do.	Aguatulco.
Harvey Gregg,	do.	Acapulco.
James James,	do.	Vera Cruz and Alvarado.
Daniel W. Smith,	do.	Matamoros on Rio Grande.
John S. Langham,	do.	Chihuahua.
James Davis,	do.	Santa Fe.
James W. McGoffin,	do.	Saltillo.
Henry Perrine,	do.	Campeche.
James Lenox Kennedy,	do.	Guaymas, Mazatlan, and San Blas.

David G. Barnet,	Consul,	Galvezton.
	do.	San Antonia.
	do.	Guazacoalco.
William Keath,	do.	Petic and Guaymas.
Daniel W. Pope,	do.	Tabasco.
John W. Langdon,	do.	Laguna, Isla del Carmen.

REPUBLIC OF COLOMBIA.

Thomas P. Moore,	Envoy Extraordinary and Min. Plen.	Bogota.
J. C. Pickett,	Secretary of Legation,	do.
John M. Macpherson,	Consul,	Carthagena.
J. G. A. Williamson,	do.	Laguayra.
Alexander Danouille,	do.	Santa Martha.
	do.	Guayaquil.
Alfred Lausat,	do.	Maracaibo.
Franklin Litchfield,	do.	Puerto Cabello.
Gilbert Dennison,	do.	Panama.
Thomas F. Knox,	do.	Angostura.

BRAZIL.

Ethan A. Brown,	Chargé d'Affaires,	Rio de Janeiro.
John Martin Baker,	Consul,	do.
Woodbridge Odlin,	do.	San Salvador.
John T. Mansfield,	do.	Pernambuco.
Abraham R. Smith,	do.	Para.
Joshua Bond,	do.	Montevideo.
Charles B. Allen,	do.	Island of Maranham.
Isaac Austin Hayes,	do.	Rio Grande.
George Black,	do.	Santos.
Lemuel Wells,	do.	Island of St. Catherine.

REPUBLIC OF CENTRAL AMERICA.

Ch. G. Dewitt,	Chargé d'Affaires,	Guatemala.
Charles Savage,	Consul,	do.
G. Coursault,	do.	Truxillo.

REPUBLIC OF BUENOS AYRES.

Francis Baylies,	Chargé d'Affaires,	Buenos Ayres.
George W. Slacum,	Consul,	do.

CHILE.

John Hamm,	Chargé d'Affaires,	St. Jago de Chile.
Thomas S. Russell,	Consul,	Valparaiso.
Daniel Wynne,	do.	St. Jago de Chile.

REPUBLIC OF PERU.

Samuel Larned,	Chargé d'Affaires,	Lima.
William F. Taylor,	Consul,	Quilca and Arica.
Asa Worthington,	do.	Lima.
Obediah Polger,	do.	Paita.

HAYTI, (ST. DOMINGO.)

F. M. Dimond,	Commercial Agent,	Port au Prince.
Joshua Webb,	do.	Aux Cayes.
Samuel Israel,	do.	Cape Haytien.

SANDWICH ISLANDS.

John C. Jones, jr.	Commercial Agent,	Sandwich Islands.

CHINA.

John H. Grosvenor,	Consul,	Canton.

TURKEY.

David Porter,	Chargé d'Affaires,	Sublime Porte.
William B. Hodgson,	Drogoman,	do.
Frederic E. Bunker,	Consul,	Constantinople.

BELGIUM.

Hugh S. Legaré,	Chargé d'Affaires to the King of Belgium.	

BAVARIA.

Robert Ruedoffer,	Consul,	Munich.

General instructions to the consuls and commercial agents of the United States.

The following instructions are intended to supersede those which have, at different periods, been issued from this department, embodying directions to those officers, and arranging them under proper heads, for the purpose of making them easily referred to, and producing uniformity in all the consular proceedings.

CHAPTER I.

Of the duty of a consul on his appointment before he enters on the exercise of his official duties.

ART. 1. As soon as a consul receives notice of his appointment, he is required to execute a bond, with such sureties as shall be certified by the district attorney of the United States for the district in which he resides, to be sufficient. He is to transmit the bond, executed, to this department, for the approval of the Secretary of State, and, if he receives no notice that further security will be required, he will, with all convenient despatch, after receiving his commission and instructions, depart for the place of his destination, giving notice to the department of the time of his departure, and of the vessel in which he embarks. On his arrival at the place of his destination, he will give notice to the department of the fact. If the consul appointed be, at the time of his appointment, a resident of the country to which he shall be appointed, his consular bond must be executed by him, and transmitted to the United States for the purpose of being executed by his sureties, who must be residents of the United States.

CHAPTER II.

Of the formalities to be observed by a consul or vice consul, after entering upon the duties of his office.

ART. 2. The first duty of a consul, on his arrival, will be to transmit his commission to the minister of the United States, if there be one near the Government of the country to which he is sent, to the end that he may obtain the usual exequatur. This he must see made public in the manner usual in such country; and he will then apply to the person having charge of the consular seal, and the archives of the consulate to which he is appointed, for the delivery thereof, making an inventory of the papers and other effects they may contain, or verifying a former inventory, if any such has already been made, and passing a receipt for the same; transmitting a copy of such inventory to the department, if it has not already been done; or, if any additions have been made to such archives since the last transmission, then sending a copy of the additional articles not contained in the former inventory.

ART. 3. If there are any funds in the hands of the former incumbent of the office, they must be delivered over to his successor, unless they are the proceeds of the effects of an American, who has died intestate more than a year, and which, according to the second section of the act of the 14th of April, 1792, ought to be remitted to the Treasury of the United States, in which case the consul who received the same shall make the remittance.

ART. 4. Having entered on the duties of his office, the consul must immediately give notice thereof to the Department of State, to the minister of the United States in the country to which such consul is appointed, and to the consuls of the United States residing in the same country, and in the neighboring ports of other countries. And no consul is to absent himself from the country of his consular residence, without leave first obtained from the Department of State, or from the diplomatic agent of the United States in that country, unless in cases of emergency, which must be made to appear to the satisfaction of the department.

CHAPTER III.

Of the records and papers of the Consular Office.

ART. 5. The following record books are to be kept in each consulate:

1. A letter book, into which are to be copied all official notes and letters, (other than those addressed to the Department of State,) according to their dates, which are written by the consul or by his order.

2. A book of correspondence with the Department of State, in which are to be copied, according to their dates, all the letters written by the consul to the department, with the returns and other documents accompanying the same.

3. A record book for the entry of protests, and all other official consular acts, in which all such acts, of every description, shall be fairly written.

ART. 6. When a paper of any description shall be entered or recorded in either of the said books, the same shall be indexed by a reference both to the name of the party and the subject of the paper.

ART. 7. The answers received to official letters, and all other papers transmitted to the consulate intended to be permanently kept there, shall be kept in a proper place, labelled according to their subject-matter, until a sufficient number shall be accumulated to form a volume, when they shall be bound up, and indexed in the same manner as is directed with respect to the other records.

ART. 8. All letters addressed to this department must be written on foolscap paper, in a fair hand, leaving an inch margin all round the page, and the consuls will recommend to their correspondents to observe the same form. These letters are to be folded in the manner of the ink lines which are herewith sent to regulate the distance between the written lines of the communication, and the writer's name, consulate, or agency, and date, must be regularly endorsed, after which they are to be enclosed in an envelope, and properly directed. The consuls are further requested not to put wafers or sealing-wax upon the communications and letters themselves, but only on the envelopes which enclose them.

Art. 9. All the abovementioned books must be regularly paged; but, where blanks occur, (as in the book of original letters, from the covers and unwritten pages,) a cross must be made over the blank page, and it is not to be numbered.

Art. 10. The consular books are not to be mixed with those of the consul's private affairs; and his consular business should, if possible, be transacted in a separate apartment from that in which his ordinary commercial or other affairs are carried on; and it must be designated by the arms of the United States exhibited at the entrance, and the words Consulate of the United States, in English, and in the language of the country where the consul resides.

Art. 11. A seal must be provided for every consulate, the impression of which shall be the American eagle in the centre, with the name of the consulate around it. This seal is to be kept in some secure place, and used to authenticate all documents given by the consul.

Art. 12. With these "instructions," the consuls will receive printed forms, which are to be employed in future in making the customary commercial returns. These returns are to be made regularly, half yearly, even if it should be necessary to transmit them in blank. The consuls are required, also, to give the respective sums at the foot of the columns of figures; and, finally, after folding the returns in the shape of which they have a specimen in the accompanying blanks, to endorse them with the name of the consul or agent, the consulate or agency, and the date; with a brief recapitulation, specifying the number of vessels; the amount of tonnage; the number of seamen, and, where possible, the estimated value of cargoes.

Art. 13. Also, with these "instructions," the consuls will receive another printed form, being a consular statement of fees, designed to accompany the printed forms of returns, described in the preceding article. In the specification of the items, the most scrupulous accuracy of detail is expected. It is earnestly hoped that the consuls and agents will co-operate with the department in its endeavor to organize a complete consular establishment, for which purpose they are requested to note such parts of the forms mentioned in this and the next preceding article, as they may deem susceptible of improvement, and to make such suggestions as may, in any way, contribute to the object in view. This form is to be folded up like that of which it is an accompaniment, and endorsed with the name of the consul or agent, the consulate or agency, the date, and the sum total, in dollars and cents.

When the blanks described in the foregoing articles fail, the consuls are instructed to make them out in the same form; and, for that purpose, they should always retain one specimen of each, which they are to regard in future as an established form.

Art. 14. Whenever accounts are to be transmitted, they must be enclosed in a separate communication, the subject of which must be confined exclusively to such accounts. All duplicates must be written on separate sheets or parts of sheets, and marked as duplicates.

Art. 15. The consuls are requested in future to endorse, numerically, all their communications and returns thus: No. 1, No. 2, &c. &c.; so that at any time a deficiency in the series may be readily ascertained and supplied. Short marginal notes, too, indicating the subject-matter of their communications, are particularly enjoined.

Chapter IV.

Of the duties required to be performed by consuls and vice consuls of the United States.

Section 1.

Of the nature of consular duties.

Art. 16. A consul (excepting those to the Barbary Powers) is not invested with any diplomatic powers, and therefore is not entitled to communicate directly with the Government of the country in which he resides. Except under the special circumstances hereinafter mentioned, whenever application is to be made to the Government, it must be done through the minister of the United States, if there be one; if not, and the case should require it, the consul may make the application to the proper department, but in respectful terms, stating the exigency of the case, and that an application to the subordinate officers could not be made, or had proved ineffectual.

Art. 17. The duties of a consul or vice consul are such as are prescribed by positive law, or such as arise from the nature of the office under the general commercial laws of nations.

The first statute prescribing particular duties to consuls is the act of the 14th May, 1792. The first section of this act relates solely to the consular convention with France, which being no longer in force, this section is obsolete. A copy of so much of this act as is in force is annexed to these instructions.

Section 2.

Of the duties of consuls in relation to Intestates' Estates.

Art. 18. By the first clause of the second section, consuls and vice consuls are empowered to receive protests or declarations, which captains, masters, crews, passengers and merchants, citizens of the United States, may make in the place for which such consul is appointed, and also such as foreigners may make before them relative to the personal interest of any citizens of the United States. The originals of these acts are to be kept in the book of records of the consulate, and copies, duly authenticated under the consular seal, are to be given to such persons as may demand the same.

By the second clause of the second section, where a citizen of the United States shall die within the consular district, the consul or vice consul shall take possession of his effects, shall sell at public auction such part of them as may be of a perishable nature, and such further part as may be necessary for the payment of the debts of the deceased.

But in order to execute this power, the following are prerequisites:

1. That the laws of the country permit such administration, or that it be stipulated by treaty.

2. That the person have died without any legal representative, any partner in trade, or trustee, to take care of his effects.

Art. 19. In the execution of this duty, the following requisites are prescribed by the act:

1. An inventory must be taken of all the effects of the deceased, with the assistance of two merchants of the United States, or, for want of them, of any others.

In performing this branch of the consular duty, great attention is required; the word "effects," as under the act, comprehends property of every description, including debts due. Merchants of great respectability are to be selected as the assistants of the consul. Although appraisement is not mentioned in the act, the consuls are instructed to have the apparent value of each article affixed to it. If among the papers of the deceased are found any evidences of debts, although they may not be due in the consular district, yet they are to be placed in the inventory.

2. The commercial books of the deceased are to be placed in the inventory, and particularly described, mentioning the number of pages each of the said books contains, and the consul shall place a certificate, signed by him, at the beginning and the end of each book, in such manner as to prevent any addition being made to them.

The letter books of the deceased are comprehended in the term commercial books.

Art. 20. This inventory must be entered in the consular books, and as doubts may arise whether this is such a document as is comprehended in the provisions of the first clause of this section of the law, the consul is instructed to make two originals, that is to say, that the inventory be signed by him, and by his two assistants, both in the book of records in which it is entered, and in the authenticated copy.

Art. 21. By the second section of the act aforesaid, all sales of the property of the deceased must be "at auction, after reasonable public notice." In the execution of this duty, the consul is instructed to give the same previous notice that is directed by the laws of the country for the judicial sale of property in execution, and at some public place; but whether it be required in judicial sales or not, notice must be given in at least one of the gazettes of the place, if any be printed there, both in English and in the language of the country.

Art. 22. No property shall be sold as being of a perishable nature until it has been viewed by three respectable merchants, and by them, under oath, declared to be of that description.

Art. 23. In one year after the death of the intestate, the consul is directed, by the said second section of the act aforesaid, "to transmit the residue of the estate unsold, and the balance (in money, after paying the debts and charges) to the Treasury of the United States, to be holden in trust for the legal claimants. But if, at any time before such transmission, the legal representative of the deceased appear and demand the effects in the hands of the consul, he shall deliver them up, being paid his fees, and shall cease his proceedings."

Art. 24. In the execution of the duty prescribed by the last preceding article, the consul is hereby instructed:

1. To keep a regular account of all moneys received, as well for effects sold as for credits collected, and all sums expended, taking duplicate receipts, expressing on what account the sums were paid, numbering them regularly; one of each of the said duplicates to be kept by the consul, the other to be delivered to the representative of the deceased, or transmitted to the treasury, if no representative appear.

2. To enter on his consular books a regular account between himself and the estate of the deceased, in which he shall enter to his debit all the moneys and effects that came to his hands, and to his credit all the payments he may make, and, finally, the balance that he may deliver over or remit, so as to close the account. A copy of this account shall be delivered to the representative of the deceased, or transmitted to the treasury, as the case may be.

3. As soon as any estate shall be finally settled, the consul shall give notice to the department, designating the balance in money, and the list of effects, which has been transmitted to the treasury, or delivered to the representative of the deceased, as the case may be.

4. If there should be several parties, each claiming to be the representative of the deceased, and demanding the effects, the consul must direct the parties to determine their rights in the tribunals of the country.

Section 3.

Of the duties of consuls in relation to Wrecks.

Art. 25. By the third section of the act aforesaid, the "consuls and vice consuls, in cases where vessels of the United States shall be stranded on the coast of their consulates respectively, shall, as far as the laws of the country permit, take proper measures as well for saving such vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory and inventories thereof; and the merchandise and effects saved, with the inventory and inventories, shall, after deducting therefrom the expense, be delivered to the owner or owners. But no consul or vice consul shall take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof, is present, or capable of taking possession of the same."

Art. 26. In the execution of the duties prescribed by this part of the act, the consul is instructed:

1. That all vessels, parts of vessels, and any portion of their cargo belonging to the citizens of the United States, saved and brought into the consular jurisdiction, after being wrecked, or in consequence of any disaster at sea, are to be proceeded with in the same manner as if the vessel had stranded within the consular jurisdiction; and if salvage shall be claimed and allowed by a competent tribunal, the remainder of the effects, or the balance of their proceeds, if sold, shall be disposed of in the same manner as is directed in the last preceding section with respect to intestate's estates; provided, in the case of salvage, that the court deciding the case will permit the consul to receive the effects and balance after paying the salvage.

2. In some countries (as in Sweden) chartered companies have the privilege of taking possession of all property wrecked; in others it may be vested in particular magistrates or officers. In all these cases, the consul is not to interfere with the legal function of the proper officer; but he may demand, as the representative of the absent master or owner, or as his official adviser if he be present, to assist at the taking of the inventory, the sale and all other proceedings in relation to the property. It is his duty to protect the interest of the owner, and, if his reasonable requests are not complied with, to take the necessary evidence, and transmit it to the Department of State.

3. When any accident of this kind happens within his jurisdiction, the consul is to give immediate notice to the Department of State, designating the vessel and the owners or master.

4. When there is no impediment from the laws of the country, all proceedings in relation to property wrecked are to be the same with those prescribed for the property of intestates.

Section 4.

Of the duties of consuls in relation to the masters of American vessels.

Art. 27. By an act of the Congress of the United States, passed the 28th February, 1803, a copy whereof is annexed to these instructions, it is in substance directed that every master of an American vessel shall, on his arrival at a foreign port, deposite his register, sea letter, and Mediterranean passport, with the consul, vice consul, commercial agent, or vice commercial agent, under a penalty of five hundred dollars, ($500,) which the consul, vice consul, &c, &c. may recover in his own name, for the use of the United States; and that, whenever a clearance from the proper officer of the port shall be produced to the consul, he shall deliver up all the ship's papers, provided the master shall have complied with the provisions of the act of 28th February, 1803, and the act to which it is a supplement, (that is to say) the act of 14th April, 1792.

Art. 28. By another section of the same act, it is directed, that whenever a vessel belonging to an American citizen shall be sold in a foreign port, and her company discharged, or whenever a mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it is the duty of the master or commander to produce to the consul, vice consul, commercial agent, or vice commercial agent, the list of his ship's company, certified according to the first section of the act of 28th February, 1803, and to pay to such consul,

&c. &c. for every mariner being designated on such list as a citizen of the United States, three months' pay over and above the wages which may be due to such mariner; two-thirds to be paid by the consul to the mariner discharged upon his engagement on board of any vessel to return to the United States, and the remaining third to be retained for creating a fund for the payment of the passage of mariners, citizens of the United States, who may be desirous of returning to the United States, for the maintenance of American seamen who may be destitute in such port; and the sums retained for such fund shall be accounted for to the treasury every six months by the person receiving the same.

Art. 29. The under officers (below that of captain) are included in the provisions of this section; but the two months' wages are not to be paid in any case, unless the person so discharged has engaged on board of some vessel to return to the United States. If no occasion offers of a direct return, an engagement on board of a vessel ultimately to return, will be sufficient, or, if no such vessel offers, the seaman will be entitled to his two months' wages on his shipping for an intermediate convenient port.

Art. 30. Under the first of these sections, it will be the duty of the consuls, immediately on the arrival of an American vessel in his consulate, should the master neglect to deliver his ship's papers, as is directed by the law, to apprise him of the necessity of so doing, by showing him the law that requires it, and of the penalty he will incur by refusal or neglect. When received, the papers are to be kept together in a place as safe as possible, to guard against fire and other accidents; and the consul, on receiving such papers, shall make an entry in his consular record, specifying the time of delivery, the name of the vessel, the master, and what is the description of the papers deposited, as register, sea letter, &c. &c.; and when the master shall produce the clearance of his vessel, shall have complied with the directions of the act above recited, the consul shall, without delay, deliver up the papers, and shall make an entry in his consular record of the time of such delivery.

Art. 31. The provisions of the acts with which the master is obliged to comply before receiving these papers, are:

1. If any of the seamen are discharged, he must have paid three months' wages of such of them as, by the shipping articles or description list of the seamen, shall appear to be American citizens. If they appear to be such by either of these papers, no other evidence is required or permitted.

2. If a vessel be bound for a port in the United States, and there are destitute American seamen in the port, he must agree to take such seamen on board as he shall be requested to do by the consul, not exceeding two seamen for every 100 tons burden of the vessel, on the terms he may agree on with the consul, not exceeding ten dollars for each seaman.

3. He must pay the fees for the following services, or such of them as have been rendered by the consul for the master or his vessel, according to the rules established by law, that is to say:

1. For authenticating, under the consular seal, any act whatever, which may be made, or passed in by the master, or at his request, for the concerns of the vessel, or its owners or freighters, two dollars.

2. For any certificate of the discharge of a seaman, fifty cents.

These are the only fees for the payment of which, by the acts of Congress, a consul has a right to detain the ship's papers.

Art. 32. For all other dues, the consul may require payment at the time the service, is performed, or refuse his agency until they are paid for, or secured to his satisfaction; but the consuls are earnestly advised to avoid as much as possible all contentions of this nature with their countrymen, which tend to degrade our national character abroad.

Art. 33. When a vessel is sold under a decree of a court as having become unseaworthy, in consequence of any accident or stress of weather, and the crew are discharged in consequence of such sale, the three months' wages are not to be required; but if the vessel is found not to be seaworthy, in consequence of some decay or defect at the inception of the voyage, the seamen are not to lose their wages on account of the fault of the owners, and the three months' wages are to be exacted.

Art. 34. If any fine or penalty shall be incurred by the master of an American vessel under any of the laws above mentioned, the consul shall send to this department a certificate of the fact, under the consular seal, with a proper description of the vessel, designating the port to which she belongs, and the place of abode of the master; to the end that suits may be instituted for the recovery of the penalty.

Section 5.

Of the duties of consuls in relation to Seamen of the United States.

Art. 35. By the fourth section of the said act of 28th February, 1803, it is made the duty of consuls to provide for the mariners of the United States, who may be found destitute within their districts, sufficient subsistence and passages to the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and the section also provides for the manner in which such mariners are to be transported to the United States.

Under this section, the consuls are instructed:

1. That all seamen shipped as American seamen are entitled to the benefit of its provisions, and they shall not be refused the relief provided for by it, under pretence that they are not really American citizens.

2. That the relief to be provided shall include board, lodging, and medical attendance, and clothing, when necessary; all to be on the most reasonable scale, consistent with the comfort and proper support of the individual.

3. That the persons applying for relief be examined touching the manner of their being left destitute; and, if it shall appear from such examination that they have been discharged from any American vessel contrary to the provision of the third section of the act of 28th February, 1803, or that any other provisions of the said act or other laws of the United States have been violated, in every such case it shall be the duty of the consul to transmit a copy of the examination of the mariner to this department, with such other information as may enable it to cause prosecution to be instituted for such breach of the laws, designating the place at which the necessary witnesses will probably be found.

4. That, in all cases of such relief afforded, whether the seamen who have received it be returned to the United States or not, an exact account be furnished, in the half-yearly returns made by the consul, of the name of the individual, and the ship, its master, owner, and the port to which she belonged, together with the sum expended, with vouchers, where, from the nature of the case, they can be procured.

Art. 36. Where piracy, mutiny, or any other offence against the laws of the United States, shall have been committed on board of any vessel of the United States coming into the consular district, it is the duty of the consul, after taking the depositions necessary to establish the facts, to apply to the local authorities for means of securing the offenders while they remain in port, and to provide the means of sending them, without delay, to the

United States for trial; and, in all such cases, where the vessel, on board which the offence was committed, is not bound to the United States, the consul is directed to procure two of the principal witnesses to be sent home with the person accused; and he is, at the same time, to transmit certified copies of all the depositions he has taken in relation to the offence; an exact detail of all its circumstances; and such information as may be necessary to secure the conviction of the offenders.

Art. 37. Great care must be taken in all cases of accusations against mariners, by their officers, not to confound a simple and casual disobedience of orders with the crime of mutiny, which has, in some cases, been made, in order to justify a discharge of seamen in a foreign port, contrary to the directions of the act. In this, as in all other cases, the consuls are particularly instructed, while on the one hand they support the masters of vessels in the exercise of their proper authority, on the other to discourage and prevent all oppression of seamen by their officers. One essential object of the consular appointment is the protection of this class of our fellow-citizens, whose habits of life require a kind of guardianship of their persons and interests in foreign countries, but, at the same time, a strict vigilance over their conduct.

Section 6.

Of the duties of consuls in granting certificates and passports.

Art. 38. Consuls are authorized to grant passports to American citizens, which must be authenticated by their signature, and the consular seal, and must be in the form hereunto annexed. Great care and circumspection are required in the exercise of this duty, that passports be given to none but American citizens; and to give such passport to an alien, knowing him to be such, is an offence punishable by a fine of one hundred dollars, ($100,) to which the President will always add deprivation of office. The same observations apply to certificates that property belonging to aliens is the property of citizens, knowing the fact to be otherwise; by which offence a much higher penalty is incurred, the punishment being a fine not exceeding ten thousand dollars, ($10,000,) and imprisonment not exceeding three years. Consuls, therefore, in all such cases, will require such evidence as will show clearly that they had good reason to believe the truth of the facts they certify.

Art. 39. By the revenue laws of the United States, consuls are authorized to give certificates of the landing of merchandise, to obtain the benefit of drawback. As great frauds upon the revenue have sometimes been committed by obtaining certificates without a due examination of the articles, consuls are instructed to give no such certificates without personal inspection or full proof.

Art. 40. Authority is also given by the same laws to certify invoices of goods shipped for the United States; but the shipper is entitled to include in one invoice all the goods he may ship by the same vessel. On these and on all other subjects relating to duties regarding the revenues, particular instructions will be given by the treasury, which will be equally obligatory as if they had proceeded from this department.

Section 7.

Of the duties of consuls with respect to the appointment of consular agents.

Art. 41. When there are several seaports in a consular district, to which American vessels resort, it is the duty of the consul to appoint some fit person to be consular agent in such port, who shall correspond with, and make his returns to him, (the consul,) who shall transmit copies of them with his own quarterly returns.

Art. 42. Great care must be taken in the selection of consular agents. American citizens are to be preferred when other qualifications are equal; and when fit persons can be found who are not engaged in commerce, they are to be selected. The consul is to be responsible for the official act of the consular agent appointed by him; and he must immediately give notice to the minister of the United States near the Government of the country where he resides, to the local authority of the place, and to this department, of such appointment.

Chapter V.

Rules for the general conduct of consuls, not reducible to either of the preceding heads.

Art. 43. Every law, edict, or regulation, in any way affecting the commerce of the United States, or of any other country than that in which the consular district lies, must immediately be transmitted to this department; and, if it be a local regulation operating only on a particular port, the consul must also give immediate notice thereof to the minister, if there be any in the country to which the district belongs.

Art. 44. The consuls are expected, once in three months at least, to write to the department, if it be for no other purpose than that of apprising the department of their being at their respective posts. They are not required to write oftener, unless in emergent cases, or where interest or business points out the propriety of more frequent communication. In their correspondence, they will note all events that bear upon the commerce of the country with the United States, and of our navigation, the establishment of new branches of industry in the extent of their consulate, and the increase and decline of those before established; they will make such suggestions as, in their opinion, may lead to the increase of our commerce or navigation, and point out those which have a contrary effect, with the means that appear proper for avoiding them. Samples of manufactures, and specimens of produce which appear to be valuable articles either of export or import, if not generally known, should be sent, if not too bulky, with the consular letters; and if too bulky, may be addressed to the collector of some of our principal ports; also, seeds of plants and grain which might be cultivated to advantage in the United States. In general, the duties of the consular office require an attention to whatever can promote the commerce and navigation of our country, as well as to the particular affairs of the individuals of our nation who may require the exercise of the consular function.

Art. 45. The consuls are particularly cautioned not to enter into any contentions that can be avoided, either with their countrymen, or the authorities of the country in which they reside; referring questions of that nature to the minister or to this department, and using every endeavor to settle, in an amicable manner, all disputes in which their countrymen may be concerned; countenancing and protecting them with the authorities of the country in all cases in which they may be injured or oppressed; but firmly refusing them support when they have been wilfully guilty of any infraction of the laws, particularly in any attempt to defraud the revenue; and giving aid to the proper officers in preventing any such practices, which, though they may prove a pecuniary benefit to the individuals concerned, leave a stain on the national character.

Art. 46. It is at all times the duty of consuls exercising the functions, and enjoying the privileges attached to their offices, scrupulously to abstain from all participation whatever, direct or indirect, in the political concerns of the countries to which they are appointed, and by whose Governments they are severally acknowledged and recognised in their public characters; but it is, at the same time, no less their duty to report, freely and seasonably, to their own Governments all important facts which may come to their knowledge, through authentic chan-

nels, touching the political condition of these countries, especially if their communications can be made subservient to, or may affect, the interest and wellbeing of their own.

From the disturbed and unsettled condition of the republics of the South American and United Mexican States, and the excitements there prevailing, it is especially desirable that the consuls of the United States in those States should forbear intermeddling with their political or local affairs in the smallest degree whatever, and that they should be equally on their guard against the enlistment of their feelings or sympathies upon the side of any of the political or sectional parties which divide them at the present time. In their letters, even to this department, upon such subjects, they will confine themselves to the communication of important or interesting public events as they occur, in as concise and succinct a form as may be convenient, avoiding all unnecessary reflections or criticism upon the characters or conduct of individuals; and they will, on no occasions, give publicity, through the press, to opinions or speculations injurious to the public institutions of those countries, or the persons concerned in the administration of them.

Chapter VI.

Of the consular uniform.

Art. 47. The consular uniform (as prescribed by the circular from this department, dated August 8th, 1815, hereto annexed,) must be worn on all visits of ceremony to the authorities of the place, and on all other proper occasions.

Chapter VII.

Of the intercourse between the consuls of the United States and the officers of the navy.

Art. 48. The rules laid down in the circular from this department of the 25th of June, 1830, (hereunto annexed,) are to be observed whenever a vessel of war of the United States visits the consular residence.

Chapter VIII.

Of the fees to be received by the consuls of the United States.

The following are the fees allowed by law to be taken by the consuls of the United States for services they may have performed:

1. For authenticating, under the consular seal, every protest, declaration, deposition, or other act which captains, masters, mariners, seamen, passengers, merchants, or others as are citizens of the United States, may respectively choose to make, the sum of two dollars, ($2.)

It would appear, by the limitation to citizens of the United States, that the fee for this service was not designed to be prescribed where the service was rendered to persons not citizens. In all such cases, therefore, where the service is rendered to an alien, the consul is at liberty to charge according to the fees allowed to notaries in the country where he resides.

2. For taking into possession, inventorying, selling, and finally settling, and paying or transmitting, according to law, the balance due the personal estate of any citizen who shall die within the limits of his consulate, five per cent. on the gross amount of such estate.

If part of such estate shall be delivered over before a final settlement, two and a half per cent. is allowed on the part so delivered as is not in money, and five per cent. on the gross amount of the residue.

3. For granting a certificate of the delivery of merchandise under the revenue laws, one dollar, ($1;) and for administering the oath, twenty-five cents.

4. For every verification and certificate of an invoice, two dollars, ($2.) But every shipper shall have a right to include all articles shipped by him in the same invoice.

5. For every certificate of discharge of any seaman in a foreign port, fifty cents.

6. And for receiving and paying the amount of wages due on such discharge, two and a half per cent.

7. On the deposite of a ship's papers, the consul shall give a certificate thereof under seal; and, on the delivery of them, a like certificate, for which he is entitled, as above, two dollars ($2) each, making the whole of the fees for the deposite and delivery of the papers, four dollars, ($4,) which is not to be exceeded.

8. No other or greater fees are to be charged to American citizens for the services above enumerated; but if American citizens or others require other services, they may be charged at the rate allowed to notaries in the same place for the same services.

Chapter IX.

Of the expenses to be allowed to consuls.

Art. 49. When a consul is put to any extraordinary expense, such as postage for public despatches, expenses in forwarding them when directed so to do, he shall be allowed the same in his account with the department, but no provision is made for his house or office rent, stationery, or other ordinary expenses of his office.

Art. 50. His accounts for the support of American seamen must be transmitted quarterly.

Art. 51. The consul going to a place where there is no seal, flag, or arms of the United States provided for the consulate, will be allowed the reasonable cost of the same.

EDW. LIVINGSTON.

An act concerning consuls and vice consuls. Passed on the 14th of April, 1792.

And for the direction of the consuls and vice consuls of the United States in certain cases,

Sec. 2. *Be it enacted*, That they shall have right in the ports or places to which they are, or may be, severally appointed, of receiving the protests or declarations which such captains, masters, crews, passengers, and merchants, as are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them, relative to the personal interest of any citizens of the United States; and the copies of the said acts, duly authenticated by the said consuls or vice consuls, under the seal of their consulates, respectively, shall receive faith in law, equally as their originals would in all courts in the United States. It shall be their duty, where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel, who shall die within their consulates, leaving there no legal representative, partner in trade, or trustee by him appointed, to take care of his effects; they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others, at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the Treasury of the United States, to be holden in trust for the legal claimants. But if, at any time before such transmission, the legal representative of the deceased shall appear, and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

For the information of the representative of the deceased, it shall be the duty of the consul or vice consul authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

Sec. 3. *And be it further enacted*, That the said consuls and vice consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates, respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners: *Provided*, That no consul or vice consul shall have authority to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof is present, or capable of taking possession of the same.

Sec. 4. *And be it further enacted*, That it shall and may be lawful for every consul and vice consul of the United States to take and receive the following fees of office for the services which he shall have performed:

For authenticating, under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars.

For taking into possession, inventorying, selling, and finally settling and paying, or transmitting, as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his consulate, five per centum on the gross amount of such estate.

For taking into possession, and otherwise proceeding on, any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is hereinbefore directed, two and a half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

And it shall be the duty of the consuls and vice consuls of the United States to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

Sec. 5. *And be it further enacted*, That in case it be found necessary for the interest of the United States that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars, to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the States on the said coast.

Sec. 6. *And be it further enacted*, That every consul and vice consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or, if resident in Asia, within two years, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand, nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office, according to law, and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act: and the said bond shall be lodged in the office of the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That the specification of certain powers and duties in this act, to be exercised or performed by the consuls and vice consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

An act of Congress of February 28, 1803, *supplementary to the "Act concerning Consuls and Vice Consuls," and for the further protection of American seamen.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs a list, containing the names, places of birth, and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them, and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall, moreover, enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer at the first port in the United States at which he shall arrive, on his return thereto, and then and there also produce the persons named therein to the said boarding officer, whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the said port of arrival, (where the same is different from the port from which the vessel originally sailed,) to transmit a copy of the list so reported to him, to the collector of the port from which said vessel originally sailed: *Provided*, That the said bond shall not be forfeited on account of the said master not producing to the first boarding officer, as aforesaid, any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the consul, vice consul, commercial agent, or vice commercial agent, there residing, signified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, as aforesaid; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

Sec. 2. *And be it enacted*, That it shall be the duty of every master or commander of a ship or vessel belonging to citizens of the United States, who shall sail from any port of the United States after the first day of May next, on his arrival at a foreign port, to deposite his register, sea letter, and Mediterranean passport, with the consul, vice consul, commercial agent, or vice commercial agent, (if any there be at such port;) that, in case of refusal or neglect of the said master or commander to deposite the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said consul, vice consul, commercial agent, or vice commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such consul, vice consul, commercial agent, or vice commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his ship or vessel may be, to deliver to the said master or commander all of his said papers: *Provided*, Such master or commander shall have complied with the provisions contained in this act, and those of the act to which this is a supplement.

Sec. 3. *And be it further enacted*, That whenever a ship or vessel belonging to a citizen of the United States shall be sold in a foreign country, and her company discharged,

or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice consul, commercial agent, or vice commercial agent, the list of his ship's company, certified as aforesaid, and to pay to such consul, vice consul, commercial agent, or vice commercial agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months' pay over and above the wages which may then be due to such mariner or seaman, two-thirds thereof to be paid by such consul or commercial agent to each seaman or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the treasury every six months, by the persons receiving the same.

Sec. 4. *And be it further enacted*, That it shall be the duty of the consuls, vice consuls, commercial agents, or vice commercial agents, of the United States, from time to time, to provide for the mariners and seamen of the United States who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls, vice consuls, commercial agents, or vice commercial agents, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed upon between the said master and consul or commercial agent. And the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burden of the said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same, on the request or order of the consul, vice consul, commercial agent, or vice commercial agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States in any court of competent jurisdiction. And the certificate of any such consul or commercial agent, given under his hand and official seal, shall be *prima facie* evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty aforesaid.

Sec. 5. *And be it further enacted*, That the Secretary of State be authorized to reimburse the consuls, vice consuls, commercial agents, or vice commercial agents, such reasonable sums as they may heretofore have advanced for the relief of seamen, though the same should exceed the rate of twelve cents a man per diem.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for every consul, vice consul, commercial agent, and vice commercial agent of the United States, to take and receive, for every certificate of discharge of any seaman or mariner in a foreign port, fifty cents; and for commission on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

Sec. 7. *And be it further enacted*, That if any consul, vice consul, commercial agent, or vice commercial agent shall, falsely and knowingly, certify that property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Sec. 8. *And be it further enacted*, That if any consul, vice consul, commercial agent, or vice commercial agent shall grant a passport, or other paper, certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

CONSULATE OF THE UNITED STATES OF AMERICA AT ———.

To all to whom these presents shall come, greeting:

No. —.

[*Description.*—Age — years; stature — feet — inches, Eng.; forehead; eyes; nose; mouth; chin; hair; complexion; face. Signature of the bearer.]

I, the undersigned, consul of the United States of America, hereby request all whom it may concern, to permit safely and freely to pass —— ——, the bearer hereof, a citizen of the United States; and, in case of need, to give him all lawful aid and protection.

Given under my hand and the seal of my consulate,
[L. S.] at ——, in the year of ——, of the independence of the United States the ——.

[CIRCULAR.]

DEPARTMENT OF STATE, *August* 8, 1815.

The consular uniform, prescribed in the standing consular instructions, is abolished, and the following substituted, viz.

Single breast coat, of blue cloth, with standing cape or collar, and ten navy buttons in front; one button on each side of the cape; four on each cuff; four under each pocket flap; and one on each hip and in the folds; two on each side in the centre; and one on each side of the same, at the lower extremity of the skirts.

The front, (from the cape down to the lower extremity of the skirts,) cuffs, cape, and pocket flaps, to be embroidered in gold, representing a vine composed of olive leaves; and the button holes to be worked with gold thread; the button holes corresponding with the width of the embroidery, which is not to exceed two inches in any part.

Vest and small clothes of white, and navy buttons; the former to have ten in front, and four under each pocket flap. With this dress, a cocked hat, small sword, and shoes and buckles, are to be worn. The hat to be furnished with gold loop, gold tassels, and black cockade, with gold eagle in the centre; added to which, it is to be understood that the mountings of the sword and shoe and knee buckles are to be of gold, otherwise gilt.

[CIRCULAR.]

DEPARTMENT OF STATE,
Washington, June 25, 1830.

SIR: I have the honor to subjoin the copy of a circular letter from the Secretary to the captains of the navy, prescribing the rules of etiquette to be observed by them in relation to their intercourse with the consuls of the United States resident at foreign ports where they may arrive, and to state that these rules entirely coincide with the views of this department upon the subject.

According to the first, the consul of the United States residing at a foreign port which is visited by a ship of

war of the United States, is to receive the first visit from such ship, in the person of an officer belonging to it, deputed and sent for that purpose by the commander; and this officer is then to tender to the consul a passage to the said ship. In such cases, you will accordingly avail yourself of the proposed accommodation whenever occasion may require, as well for the purposes of making the first visit to the commanding officer of the ship in question, (this being a mark of courtesy due to the commission and rank he holds in the navy of the United States,) as for that of offering to him any services which your official situation may enable you to render for the convenience of his ship, or those belonging to it; and you will accordingly receive and execute any such commissions as may be entrusted to you for these ends by him, as far as this may be compatible with your sense of public duty.

According to the second and last, "it shall be the duty of the commander of any of our ships of war (commanders of squadrons excepted) to visit the consul general, and offer him a passage to the ship of war." The consuls general of the United States, where there are such officers, will, accordingly, reciprocate these attentions on the part of the commanders of the ships of war, or will pay the first honors to the commanding officers of squadrons, as the case may be; and they will, of course, employ their good offices, as far as it may be useful or proper on their part, to promote the good and convenience of the service in which such vessels are engaged.

I am, sir, respectfully, your obedient servant.

NAVY DEPARTMENT, *June* 23, 1830.

SIR: I have the honor to present, herewith, a copy of the regulations of this department, prepared by the direction of the President, for the government of the commanders of our ships of war in their intercourse with the consuls of the United States residing in foreign ports.

Should it meet your approbation, it will be communicated to the commanders of the national vessels of war; and I will be obliged to you, when convenient, for a copy of the corresponding regulations of the State Department to our consuls abroad.

I am, very respectfully, sir,
Your obedient servant,
JNO. BRANCH.

The Hon. MARTIN VAN BUREN,
Secretary of State.

[CIRCULAR.]

NAVY DEPARTMENT, *June* 22, 183 .

To promote harmony and concert of action between the commanders of our ships of war and consuls of the United States residing in foreign ports, the following regulations have been established by direction of the President of the United States, and are promulgated for the government of the officers concerned.

1. Upon entering a foreign port where a consul of the United States resides, the commander of any of our ships of war shall send a boat on shore with an officer on board, who shall visit the consul, and tender to him a passage to the ship of war.

2. Where a consul general resides, it shall be the duty of the commander of any of our ships of war (commanders of squadrons excepted) to visit the consul general, and offer him a passage to the ship of war.

3. The commander of a squadron will send a boat on shore, as prescribed in the first regulation, tendering to the consul or consul general a passage on board to the flag ship of war.

JNO. BRANCH.

REDUCTION OF POSTAGE, &c.

IN SENATE, *January* 22, 1833.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which was referred the resolution of the Senate of the 2d instant, directing an inquiry "into the expediency of reducing and equalizing the rates of postage, and particularly of abolishing the postage on newspapers," have had the same under consideration, and report:

That a majority of the committee, after the resolution was referred to them, determined, at their first meeting, that the transportation of the mail ought not to be made a charge upon the public treasury, and that the department should rely exclusively upon its own resources, except the expenditures in the General Post Office. They accordingly directed the chairman to address a letter to the Postmaster General, asking his opinion and views as to what could be done, consistently with the principle laid down by the committee. A copy of that letter, and the answer of the Postmaster General, accompany this report; and, from the facts disclosed in the letter, the committee are of opinion that there is no such sufficient cause of complaint against the rates of postage now imposed by law, as would justify any material reduction of them; especially when it is ascertained that such reduction would diminish mail accommodations, and thereby impair the usefulness of the department. The committee, therefore, recommend the adoption of the following resolution:

Resolved, That it is inexpedient, at this time, to pass any act reducing or changing the rates of postage.

SENATE CHAMBER, *January* 7, 1833.

DEAR SIR: I have been directed by the Committee on the Post Office and Post Roads to transmit to you the enclosed resolutions of the Senate, and to ask your opinion and views in relation to the several subjects embraced in said resolutions. The committee have decided that the Post Office Department should rely exclusively upon its own resources for the transportation of the mail, and, of course, any reduction in the rates of postage should be made upon that principle, and not under the expectation that a deficiency would be supplied from the Treasury of the United States.

Yours, with respect,
FELIX GRUNDY.

Hon. WILLIAM T. BARRY,
Postmaster General.

POST OFFICE DEPARTMENT,
January 19, 1833.

SIR: In answer to your inquiry concerning my opinion and views in relation to the several subjects embraced in the resolution of the Senate passed the 2d instant, I have the honor to state:

From the earliest period of our Government, when the circulating medium of the country was much more limited, and, consequently, its nominal value much greater than at present, there has been no essential variation in the price of postage, as will appear from the following statements. The law of February, 1792, fixed the rates thus:

Postage on a single letter, for any distance not exceeding 30 miles, 6 cents.

Exceeding 30 miles, and not exceeding 60 miles,						8	cts.
"	60	"	"	100	"	10	"
"	100	"	"	150	"	12½	"
"	150	"	"	200	"	15	"
"	200	"	"	250	"	17	"
"	250	"	"	350	"	20	"
"	350	"	"	450	"	22	"
"	450	"				25	"

Newspaper postage, not exceeding 100 miles, 1 ct.
Exceeding - - - - - 100 " 1½ "

The law was revised by Congress in May, 1794, and the same rates of postage were again determined upon, as above stated, in 1792.

The law of March 2, 1799, fixed the rates of postage as follows:

Single letter postage, for any distance not exceeding 40 miles, 8 cents.

Exceeding 40 miles, and not exceeding 90 miles, 10 cts.
" 90 " " " 150 " 12½ "
" 150 " " " 300 " 17 "
" 300 " " " 500 " 20 "
" 500 " " 25 "

Newspaper postage continued as before.

The law was revised in 1810, but no change made in the rates of postage.

From February 1, 1815, to March 31, 1816, fifty per cent. was added to all postages, for the purpose of raising a revenue in aid of the expenses of the war in which the country was then engaged.

In April, 1816, Congress established the rates as they now stand, to wit:

Single letter postage, for any distance not exceeding 30 miles, 6 cents.

Exceeding 30 miles, and not exceeding 80 miles, 10 cts.
" 80 " " " 150 " 12½ "
" 150 " " " 400 " 18¾ "
" 400 " " 25 "

Newspaper postage continued as before, except that the postage was reduced to one cent., though conveyed more than 100 miles, if delivered in the same State in which it was printed.

In 1825 the law was revised, but the rates of postage were confirmed, as above, in 1816.

Under these circumstances, I was warranted in the conclusion that the rates of postage were so far settled as that no important difference in their aggregate amount was to be contemplated. An experience of forty years, without producing an opposite conviction in the public mind, was deemed sufficient to justify the conclusion that the principle was settled. On this principle all the existing contracts for transporting the mails have been predicated. A reduction of the rates will, of course, require a very important reduction in the mail facilities of the country.

In relation to postage on newspapers, the consequence will be no less embarrassing. The expense of their transportation is very great, and their numbers are continually multiplying. It is an occurrence of almost every day, that more than a ton weight of newspapers is carried in one mail for hundreds of miles together, and at the rate of from eighty to upwards of a hundred miles a day; and if the postage on them shall be abolished, the number will be multiplied, and the expense of their transportation increased. It will probably be the means of superseding many of our village newspapers by supplying their place with papers from the cities, which will render it difficult to provide for their rapid transportation at any expense.

The postages returned on newspapers for the year ending the 30th of June last, amounted to $254,796 64. If this sum shall be abstracted from the revenues of the department, and the same, or increased services still performed, it must be obvious that its present operations cannot be continued upon its own resources.

The conveyance of letters by mail affords a considerable revenue, with but little weight to transport. That revenue is the principal support of the department. The conveyance of newspapers, by mail, gives a heavy weight to transport, with but a light revenue compared with their weight. If the revenue arising from letter postage shall be materially diminished, or if that arising from newspapers shall be abolished, it will be necessary so to abridge the mail facilities of the country, as that daily mails cannot be carried except between the principal commercial cities on the seaboard. The frequency and celerity of mail intercourse must almost every where be diminished; horse transportation must be substituted for that of mail coaches on many important routes, and distinct and more tardy methods must be adopted for transporting newspapers than letters. Such will be the inevitable consequences, unless provision shall be made to defray the expense from the treasury—a resort never solicited, never desired, and never given.

With these views, which are the result of certain calculation, the course which it will be most eligible to adopt, is respectfully submitted to the wisdom of the committee.

I have the honor to be,
Very respectfully,
Your obedient servant,
W. T. BARRY.

Hon. Felix Grundy, *Chairman of the Committee on the Post Office and Post Roads, U. S. Senate.*

Report from the Postmaster General, in compliance with a resolution of the Senate, relating to the expenses of transporting the Mail, and extra allowances made to contractors, &c.

In Senate, *February* 21, 1833.

Post Office Department, 19*th February*, 1833.

Sir: In obedience to the resolution of the Senate, dated June 9, 1832, I have the honor to submit the following report:

The resolution calls for a report of "the amount of expense of transporting the mail, and all the contingent and other expenses attending the post offices in each State, so far as the same can be ascertained, with the amount of extra allowances made to contractors since the 1st of January, 1830."

Not having received official information of the passage of the resolution, I was not apprised of its existence till some time after the commencement of the present session; when, being advised of it through the honorable mover of the resolution, the journals of the last session were searched, where it was, for the first time, discovered by me. This will account for the delay to furnish the answer.

The accounts of postmasters, with their compensation, and the contingent expenses of their several offices, are kept in alphabetical order, and not separately, by States; and the separation of the various items of charge in the whole number of nine thousand accounts for each quarter of a year, amounting to about seventy thousand for the whole time embraced in the resolution, and exhibiting the amount in each State separately, would occupy a greater length of time than the period of any one session would admit, and an amount of labor far beyond what is allotted to the business of the department.

The incidental expenses of the department consist principally in the disbursements made for mail bags, mail locks and keys, blanks for postmasters' accounts, post bills, wrapping paper for putting up mails, agencies, &c. The mail bags and locks are sent indiscriminately through all the States; and agencies are common to different States. Blanks are furnished to each postmaster according to the magnitude of his office, without any account of the exact expense of the amount sent to each. It is, therefore, not possible to specify the amount of expense in each State.

In the transportation of the mail, a very considerable proportion of the routes run partly into one State and partly into another; and, in some instances, the same route runs into three or four different States. In these cases it is impossible to determine what proportion of the expense is incurred for the transportation in each State. Mail

routes also frequently pass through a State for the benefit of other States, rather than for the benefit of the State through which they pass. Such is the great mail route between Philadelphia and New York. It is placed under the head of New Jersey. Thirty miles of it are in the State of Pennsylvania, fifty-nine in New Jersey, and one mile in New York; yet it is principally for the benefit of the two cities, which constitute its extreme points; and more than five times the benefit of it results to New York above that of New Jersey. This principle is still more strikingly illustrated in the mail route between Mobile and New Orleans. It runs into the three States of Alabama, Mississippi, and Louisiana. More than half of the whole route is in Mississippi, and of course more than half its expense is incurred for transporting the mail in Mississippi; yet the State of Mississippi derives no immediate benefit from it, except the supply of the little isolated office of Pascagoula, which does not yield $100 a year nett revenue to the department. It must, therefore, be obvious that, if the exact amount expended for transporting the mail in each State could be given, it would but very imperfectly exhibit the amount of expenditure for the benefit of each State, or the comparative view of mail accommodation which each State enjoys. But another difficulty presents itself, which cannot well be obviated. It often happens, and in the most important mail routes, that one person or company contracts for a gross sum for carrying the mail on several routes lying in different States. In such cases there is no rule by which it can be ascertained what proportion of that sum is applicable to the transportation in each State. If the division should be estimated in the exact proportion to the number of miles travelled in each State, it would be exceedingly incorrect, because the transportation of the mail, owing to the difference of roads, the different degrees of weight and celerity, and the difference in number of passengers, costs four times as much per mile on some routes as upon others in the same vicinity.

The mail routes in the United States are divided into four sections, viz. the northeastern, comprising the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York; the middle, comprising the States of New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and Kentucky, and the Territory of Michigan; the southern, comprising the States of Virginia, North Carolina, South Carolina, and Georgia, and the Territory of Florida; the southwestern, comprising the States of Louisiana, Mississippi, Alabama, Tennessee, Missouri, Illinois, and Indiana, and the Territory of Arkansas.

Without a greater amount of labor than can be given to it during the present session, the division of the expense for transportation cannot be made beyond that of the four divisions.

The amount of expense for transporting the mail from the 1st January, 1830, to the 1st January, 1832, was—

For the northeastern section	$640,024 29
For the middle section	780,976 41
For the southern section	701,476 68
For the southwestern section	469,776 16
Total	$2,592,253 54

The amount of extra allowances made to the contractors during the same period was—

In the northeastern division	$25,035 73
In the middle division	41,315 74
In the southern division	2,101 27
In the southwestern division	50,619 13
Total amount of additional allowances for two years	$119,071 87

There was a saving during the same time in renewing the contracts in two divisions, viz.

Southwestern division, from January 1, 1830	19,195 37
Southern division, from January 1, 1831	25,047 87
	$44,243 24

Leaving the amount of extra allowances from January 1, 1830, to January 1, 1832, beyond the amount curtailed in the same period	$74,828 63
The amount of expenses for transporting the mail for the year 1831, was	$1,320,097 56
The amount of expenses for transporting the mail for the year 1829, was	1,245,268 93
The difference agreeing with the above statement of increase, is	$74,828 63
The amount paid for compensation to postmasters, including the contingent expenses of their offices, from January 1, 1830, to January 1, 1832, was	$1,278,963 60
The incidental expenses of the department were, from January 1, 1830, to January 1, 1832	135,837 32

The foregoing statements exhibit the whole expenses of the department for the two years from January 1, 1830, to January 1, 1832, viz.

For transportation of the mails	$2,592,253 54
Compensation to postmasters, including the contingent expenses of their offices	1,278,963 60
Incidental expenses	135,837 32
	$4,007,054 46

I have the honor to be,
Very respectfully, sir,
Your obedient servant,
W. T. BARRY.

To the honorable Hugh L. White,
President of the Senate.

Message from the President of the United States, transmitting copies of the proclamation and proceedings in relation to South Carolina.

In Senate, *January* 16, 1833.

Gentlemen of the Senate and House of Representatives of the United States:

In my annual message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union. And although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States and the patriotism of the people, I stated that, should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Since the date of my last annual message, I have had officially transmitted to me by the Governor of South Carolina, which I now communicate to Congress, a copy of the ordinance passed by the convention which assembled at Columbia, in the State of South Carolina, in November last, declaring certain acts of Congress therein mentioned, within the limits of that State, to be absolutely null and void, and making it the duty of the Legislature

to pass such laws as would be necessary to carry the same into effect from and after the 1st of February next.

The consequences to which this extraordinary defiance of the just authority of the Government might too surely lead, were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency.

The ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress; and a hope was indulged that, by frankly explaining his sentiments, and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retrace their steps. In this hope, I determined to issue my proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the Legislature of South Carolina, which I now lay before you, and which have, all and each of them, finally passed, after a knowledge of the desire of the administration to modify the laws complained of, are too well calculated, both in their positive enactments, and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period, neither the recommendation of the Executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will, in all parts of the Union, appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to reassemble either the convention or the Legislature; and it will be perceived that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present Governor of South Carolina has openly defied the authority of the Executive of the Union, and general orders from the head quarters of the State announced his determination to accept the services of volunteers, and his belief that, should their country need their services, they will be found at the post of honor and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning;" and in the city of Charleston, within a collection district and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus, South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence, if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection, and the influence of public opinion, from the commission of actual outrage. In the present instance, aggression may be regarded as committed when it is officially authorized, and the means of enforcing it fully provided.

Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their ordinance and laws after the 1st of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they, in their wisdom, may deem fit, shall be seasonably provided; and that it may be thereby understood that, while the Government is disposed to remove all just cause of complaint, as far as may be practicable consistently with a proper regard to the interests of the community at large, it is, nevertheless, determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the constitution requires me to make, in regard to your future legislation, may be better understood.

This subject having early attracted the anxious attention of the Executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws, it was deemed advisable that the Secretary of the Treasury should particularly instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that State, pointing out their respective duties, and enjoining upon each a firm and vigilant, but discreet performance of them in the emergency then apprehended.

I herewith transmit copies of these instructions, and of the letter addressed to the district attorney requesting his co-operation. These instructions were dictated in the hope that, as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued, substantially, according to the forms of the constitution, and without resorting, in any event, to force or violence, the measures of its advocates would be taken in conformity with that profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead: but it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of that State, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains, "that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States; and, more especially, 'An act in alteration of the several acts imposing duties on imports,' approved on the 19th of May, 1828; and also an act entitled 'An act to alter and amend the several acts imposing duties on imports,' approved on the 14th July, 1832, are unauthorized by the constitution of the United States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the State of South Carolina, its officers, and citizens; and all promises, contracts, and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void."

It also ordains, "that it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State, but that it shall be the duty of the Legislature to adopt such measures, and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States, within the limits of the State, from and after the 1st of February next; and it shall be the duty of all other constituted authorities, and of all other persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto."

It further ordains, "that in no case of law or equity, decided in the courts of the State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court."

It likewise ordains, "that all persons holding any office of honor, profit, or trust, civil or military, under the State, shall, within such time, and in such manner as the Legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead, or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be, in any respect, competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be empannelled in any of the courts of the State, in any cause in which shall be drawn in question this ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof."

The ordinance concludes: "And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience; but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities, or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports; or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government, and to do all other acts and things which sovereign and independent States may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts, on the part of the authorities of that State, which manifest a determination to render inevitable a resort to those measures of self-defence which the paramount duty of the Federal Government requires; but, upon the adoption of which, that State will proceed to execute the purpose it has avowed in this ordinance, of withdrawing from the Union.

On the 27th of November, the Legislature assembled at Columbia; and, on their meeting, the Governor laid before them the ordinance of the convention. In his message on that occasion, he acquaints them that "this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest, is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that, within the limits of this State, their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis, is the precise amount of such enactments as may be necessary to render it utterly impossible to collect, within our limits, the duties imposed by the protective tariffs thus nullified." He proceeds: "That you should arm every citizen with a civil process, by which he may claim, if he pleases, a restitution of his goods, seized under the existing imposts, on his giving security to abide the issue of a suit at law, and, at the same time, define what shall constitute treason against the State, and, by a bill of pains and penalties, compel obedience, and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits, your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States."

The Governor also asks for power to grant clearances, in violation of the laws of the Union; and, to prepare for the alternative which must happen unless the United States shall passively surrender their authority, and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the Governor "be authorized to accept, for the defence of Charleston and its dependencies, the services of two thousand volunteers, either by companies or files;" and that they be formed into a legionary brigade, consisting of infantry, riflemen, calvalry, field and heavy artillery; and that they be "armed and equipped, from the public arsenals, completely for the field; and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer draughts, he recommends that the Governor be authorized "to accept the services of

ten thousand volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades; the officers to be selected by the commander-in chief; and that this whole force be called the State Guard."

A request has been regularly made of the Secretary of State of South Carolina for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance; but, up to the date of the latest advices, that request had not been complied with; and, on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State.

The acts to which it is deemed proper to invite the particular attention of Congress, are—

1st. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties on the importation of foreign commodities," passed in convention of this State, at Columbia, on the 24th November, 1832.

This act provides that any goods seized or detained, under pretence of securing the duties, or for the non-payment of duties, or under any process, order, or decree, or other pretext, contrary to the intent and meaning of the ordinance, may be recovered by the owner or consignee by "an act of replevin." That, in case of refusing to deliver them, or removing them so that the replevin cannot be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods; and, if any attempt shall be made to retake or seize them, it is the duty of the sheriff to recapture them. And that any person who shall disobey the process, or remove the goods, or any one who shall attempt to retake or seize the goods under pretence of securing the duties, or for non-payment of duties, or under any process or decree contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any federal court for duties, shall be entitled to the benefit secured by the *habeas corpus* act of the State in cases of unlawful arrest, and may maintain an action for damages; and that, if any estate shall be sold under such judgment or decree, the sale shall be held illegal. It also provides that any jailor who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any one who hires his house as a jail to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina."

This act provides, that, if the Government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance, or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the Governor is authorized to resist the same, and to order into service the whole, or so much of the military force of the State as he may deem necessary; and that in case of any overt act of coercion, or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State, or in resistance to its laws, the Governor is authorized to accept the services of such volunteers, and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all free white males between the ages of sixteen and sixty, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the Governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the State shall be opposed, and the execution thereof forcibly resisted, by combinations too powerful to be suppressed by the power vested in the sheriffs and other civil officers; and declares it to be the duty of the Governor, in every such case, to call forth such portions of militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the State to be executed.

No. 9 is "An act concerning the oath required by the ordinance passed in convention at Columbia, on the 24th of November, 1832." This act prescribes the form of the oath, which is, to obey and execute the ordinance, and all acts passed by the Legislature in pursuance thereof; and directs the time and manner of taking it by the officers of the State, civil, judiciary, and military.

It is believed that other acts have been passed, embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the Legislature of South Carolina, of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the Governor and commander-in-chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures cannot be defeated and overcome by the power conferred by the constitution on the Federal Government, the constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union. They not only abrogate the acts of Congress, commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away, at once, and without exception, every act, and every part of every act, imposing any amount whatever of duty on any foreign merchandise; and, virtually, every existing act which has ever been passed authorizing the collection of the revenue, including the act of 1816, and, also, the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown; and the Government is absolutely prohibited from collecting any part of the public revenue within the limits of that State. Henceforth, not only the citizens of South Carolina and of the United States, but the subjects of foreign States, may import any description or quantity of merchandise into the ports of South Carolina, without the payment of any duty whatsoever. That State is thus relieved from the payment of any part of the public burdens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that State over those of all the other States of the Union, in manifest violation of the positive provisions of the constitution.

In point of duration, also, those aggressions upon the authority of Congress, which, by the ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease, nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps, and rescind their measures. They offer to the United

States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws, and by abstaining from the collection of any duties and imposts whatsoever.

It is true, that in the address to the people of the United States by the convention of South Carolina, after announcing "the fixed and final determination of the State in relation to the protecting system," they say "that it remains for us to submit a plan of taxation, in which we would be willing to acquiesce, in a liberal spirit of concession, provided we are met in due time, and in a becoming spirit, by the States interested in manufactures." In the opinion of the convention, an equitable plan would be, that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States." The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true, that, in his message to the Legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the Governor of South Carolina observes that he "cannot but think that, on a calm and dispassionate review by Congress, and the functionaries of the General Government, of the true merits of this controversy, the arbitration, by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of terms indicated in these two important documents, taken in connexion with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention, nor those alluded to in the message of the Governor, would appease the excitement which has led to the present excesses. It is obvious, however, that, should the latter be insisted on, they present an alternative which the General Government of itself can by no possibility grant, since, by an express provision of the constitution, Congress can call a convention for the purpose of proposing amendments only "on the application of the Legislatures of two-thirds of the States." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention that the conditions on which it is said, in the address of the convention, they "would be willing to acquiesce," form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention in no binding or practical form; one is the act of the State, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance, the execution of the laws of the Union is absolutely prohibited; and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency, that, amid changing events and increasing excitement, the sentiments of the present members of the convention, and of their successors, will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, and are so directly opposed to the known opinions and interests of the great body of the American people, as to be almost hopeless of attainment. The majority of the States, and of the people, will certainly not consent that the protecting duties shall be wholly abrogated, never to be re-enacted at any future time, or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected;" which, moreover, would be severely oppressive to the poor, and, in time of war, would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the Government, which principle has been already recommended by the Executive as the true basis of taxation, yet it is very certain that South Carolina alone cannot be permitted to decide what these constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted, would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them, and the judicial proceedings for carrying them into effect, yet, as the full action and operation of the ordinance are to be suspended until the 1st of February, the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing, and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, that exists as to the duration of the ordinance, and of the enactments for enforcing it, it becomes imperiously the duty of the Executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so, as far as his agency is concerned. He cannot either embrace or lead to the performance of the conditions. He has already discharged the only part in his power, by the recommendation in his annual message. The rest is with Congress and the people; and until they have acted, his duty will require him to look to the existing state of things, and act under them, according to his high obligations.

By these various proceedings, therefore, the State of South Carolina has forced the General Government, unavoidably, to decide the new and dangerous alternative of permitting a State to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State, solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same; since a State in which, by a usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside, wants only the form to be independent of the Union.

The right of the people of a single State to absolve themselves at will, and without the consent of the other States,

from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted, and to the objects which it is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions, that, under them, the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made, consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty, no less of the public authorities than of the people, in every case to yield a patriotic submission.

That a State, or any other great portion of the people, suffering under long and intolerable oppression, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the Government, and appeal to the last resort, needs not, on the present occasion, be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure, by all means in their power, the blessings of liberty and happiness; but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of Government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to pre-exist, and cannot be wholly surrendered, is necessarily subjected to limitations in all free Governments, and in compacts of all kinds, freely and voluntarily entered into, and in which the interest and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil Government, involving the liberties and happiness of millions of mankind, the obligation cannot be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal, or social, or national, it is sufficient that it must be admitted to be a compact, and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand, and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several States, and ratified by the people thereof, respectively; a compact by which the several States, and the people thereof, respectively, have bound themselves to each other, and to the Federal Government, and by which the Federal Government is bound to the several States, and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent; and to the whole and every part of it, they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound, and should be required to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the constitution, for the common defence and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the Government and of the Union. Nothing less than causes which would justify revolutionary remedy, can absolve the people from this obligation; and for nothing less can the Government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other States, and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the Government, and every department thereof. It will be freely conceded that, by the principles of our system, all power is vested in the people; but to be exercised in the mode, and subject to the checks which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be less regarded or less obligatory.

Upon the power of Congress, the veto of the Executive, and the authority of the judiciary, which is to extend to all cases in law and equity arising under the constitution, and laws of the United States made in pursuance thereof, are the obvious checks; and the sound action of public opinion, with the ultimate power of amendment, is the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact, by the measures of the Government, can affect the obligations of the parties, it cannot even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the Federal Government exercise powers not warranted by the constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such, undoubtedly, is the remedy for those who deem the acts of Congress laying duties and imposts, and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A State is absolutely prohibited from laying imposts or duties on imports or exports, without the consent of Congress, and cannot become a party, under these laws, without importing in her own name, or wrongfully interposing her authority against them. By thus interposing, however, she cannot rightfully obstruct the operation of the laws upon individuals. For their disobedience to, or violation of, the laws, the ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of the State, which, being unconstitutional, would therefore be regarded as null and void. The law of a State cannot authorize the commission of a crime against the United States, or any other act which, according to the supreme law of the Union, would be otherwise unlawful. And it is equally clear, that, if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation, or to procure relief by an amendment of the constitution. But the measures of the Government are to be recognised as valid, and, consequently, supreme, until these remedies shall have been effectually tried; and any attempt to subvert those measures, or to render the laws subordinate to State authority, and, afterwards, to resort

to constitutional redress, is worse than evasive. It would not be a proper resistance to "a Government of unlimited powers," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the Government, and all its parts, absolutely depends. South Carolina has appealed to none of these remedies, but, in effect, has defied them all. While threatening to separate from the Union, if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the constitution has provided for all cases in law or equity arising under the constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens, by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the State to obstruct those laws, and both the judges and jurors of which will be bound, by the import of oaths previously taken, to treat the constitution and laws of the United States in this respect as a nullity. Nor has the State made the proper appeal to public opinion, and to the remedy of amendment. For, without waiting to learn whether the other States will consent to a convention, or, if they do, will construe or amend the constitution to suit her views, she has, of her own authority, altered the import of that instrument, and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own cause, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union, in this emergency, it cannot be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these States, should be great and lasting, defying all other remedy. For causes of minor character, the Government could not submit to such a catastrophe without a violation of its most sacred obligations to the other States of the Union who have submitted their destiny to its hands.

There is, in the present instance, no such cause, either in the degree of misrule or oppression complained of, or in the hopelessless of redress by constitutional means. The long sanction they have received from the proper authorities, and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify or even palliate such a resort, can be justly imputed either to the present policy or past measures of the Federal Government. The same mode of collecting duties, and for the same general objects, which began with the foundation of the Government, and which has conducted the country, through its subsequent steps, to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American revolution, have continually gone hand in hand; and at all times, and in every instance, no tax, of any kind, has been imposed without their participation; and in some instances, which have been complained of, with the express assent of a part of the Representatives of South Carolina in the councils of the Government. Up to the present period, no revenue has been raised beyond the necessary wants of the country, and the authorized expenditures of the Government. And as soon as the burden of the public debt is removed, those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system, thus pursued, has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the late Chief Magistrate of that State, in his address to the Legislature. In that he says, that "the occurrences of the past year, in connexion with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of human events; that tributes of grateful acknowledgment are due for the various and multiplied blessings he has been pleased to bestow on our people; that abundant harvests, in every quarter of the State, have crowned the exertions of agricultural labor; that health, almost beyond former precedent, has blessed our homes; and that there is not less reason for thankfulness in surveying our social condition." It would, indeed, be difficult to imagine oppression where, in the social condition of a people, there was equal cause of thankfulness as for abundant harvests, and varied and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation that South Carolina still claims to be a component part of the Union; to participate in the national councils, and to share in the public benefits, without contributing to the public burdens; thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs, the duty of the Government seems to be plain. It inculcates a recognition of that State as a member of the Union, and subject to its authority; a vindication of the just power of the constitution; the preservation of the integrity of the Union; and the execution of the laws by all constitutional means.

The constitution, which his oath of office obliges him to support, declares that the Executive "shall take care that the laws be faithfully executed;" and, in providing that he shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provision for executing the laws as may, from time to time, be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the constitution in the Government of the United States, or in any department or officer thereof;" and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the Government become the measure of its powers; and whenever it fails to exercise a power necessary and proper to the discharge of the duty prescribed by the constitution, it violates the public trusts not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the Government to be contemned, and its laws obstructed by a single State, would neither comport with its own safety, nor the rights of the great body of the American people.

It being thus shown to be the duty of the Executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal, and what it may be proper further to provide.

In the instructions of the Secretary of the Treasury to the collectors in South Carolina, the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures, for their enforcement, are particularly detailed and explained. It may be well apprehended,

however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition, as is to be commenced after the 1st of February next.

Subsequently to the date of these instructions, and to the passage of the ordinance, information has been received, from sources entitled to be relied on, that, owing to the popular excitement in the State, and the effect of the ordinance declaring the execution of the revenue laws unlawful, a sufficient number of persons, in whom confidence might be placed, could not be induced to accept the office of inspector, to oppose, with any probability of success, the force which will, no doubt, be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs; and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney was deemed a measure of necessary precaution; and though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution cannot be observed in regard to the ports of Georgetown and Beaufort, each of which, under the present laws, remains a port of entry, and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary, to enable the officers of the customs to preserve the custody of vessels and their cargoes, which, by the existing laws, they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody, is the process of replevin, and that of *capias in withernam*, in the nature of a distress from the State tribunals organized by the ordinance.

Against the proceeding in the nature of a distress, it is not perceived that the collector can interpose any resistance whatever; and against the process of replevin authorized by the law of the State, he, having no common law power, can only oppose such inspectors as he is by statute authorized, and may find it practicable to employ; and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves must, therefore, be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the State tribunals to administer the law according to their oath under the constitution, and the regulations of the laws of the Union, the General Government might have been content to look to them for maintaining the custody, and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the State would be irregular and unauthorized. It has been decided by the Supreme Court of the United States that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a State authority, which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction, is unlawful; that, in such case, the court of the United States having cognizance of the seizure, may enforce a redelivery of the thing by attachment or other summary process; that the question under such a seizure, whether a forfeiture has been actually incurred, belongs exclusively to the courts of the United States, and it depends on the final decree whether the seizure is to be deemed rightful or tortuous; and that, not until the seizure be finally judged wrongful, and without probable cause, by the courts of the United States, can the party proceed at common law for damages in the State courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the State, to enforce the laws for the payment of duties, and declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts, are, and shall be, held utterly null and void," she has, in effect, abrogated the judicial tribunals within her limits in this respect—has virtually denied the United States access to the courts established by their own laws, and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these, she has substituted those State tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal, or permit a copy of their record, but are previously sworn to disregard the laws of the Union, and enforce those only of South Carolina; and thus deprived of the function essential to the judicial character, of inquiring into the validity of the law, and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals, thus constituted, can be respected, consistently with the supremacy of the laws, or the rights and security of the citizen. If they be submitted to, the protection due from the Government to its officers and citizens is withheld, and there is, at once, an end, not only to the laws, but to the Union itself.

Against such a force as the sheriff may, and which, by the replevin law of South Carolina, it is his duty to exercise, it cannot be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States courts against those engaged in the unlawful proceeding; or the property might be seized for a violation of the revenue laws, and, being libelled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But, in that case, the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the case may be," "even under any process, order, or decrees, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States; and, for that purpose, if need be, to employ the whole power of the county; and the act expressly reserves to him all power which, independently of its provisions, he could have used. In this reservation, it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ, is nothing less than the *posse comitatus*, in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is, in its character, forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish, by their forcible aid, what could not be effected peaceably, and by the ordinary means. It may properly be said to be a relict of those ages in which the laws could be defended rather by physical than moral force, and, in its origin, was conferred upon the sheriffs of England to enable them to defend their county against any of the King's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times, it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes the right of going

with arms and military equipment, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the States to perform militia duty. If the principles of the common law are recognised in South Carolina, (and from this act it would seem they are,) the power of summoning the *posse comitatus* will compel, under the penalty of fine and imprisonment, every man over the age of fifteen, and able to travel, to turn out, at the call of the sheriff, and with such weapons as may be necessary; and it may justify beating, and even killing, such as may resist. The use of the *posse comitatus* is, therefore, a direct application of force, and cannot be otherwise regarded than as the employment of the whole militia force of the county, and in an equally efficient form, under a different name. No proceeding which resorts to this power, to the extent contemplated by the act, can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey—though by the aid only of the ordinary officers of the customs—the process of replevin, the collector and all concerned are subjected to a further proceeding, in the nature of a distress of their personal effects; and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than one thousand, nor more than five thousand dollars, and to imprisonment not exceeding two years, and not less than six months; and for even attempting to execute the order of the court for retaking the property, the marshal, and all assisting, would be guilty of a misdemeanor, and liable to a fine of not less than three thousand dollars, nor more than ten thousand, and to imprisonment not exceeding two years, nor less than one; and, in case the goods should be retaken under such process, it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that, in the face of these penalties, aided by the powerful force of the county, which would doubtless be brought to sustain the State officers, either that the collector would retain the custody in the first instance, or that the marshal could summon sufficient aid to retake the property, pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and of the State, (unless the latter be passively submitted to,) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives, would be scarcely avoidable.

Under these circumstances, and the provisions of the acts of South Carolina, the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the State, and the collection of the revenue would be more effectually secured—if indeed it can be done in any other way—by placing the custom-house beyond the immediate power of the county.

For this purpose, it might be proper to provide that whenever, by any unlawful combination or obstruction in any State, or in any port, it should become impracticable faithfully to collect the duties, the President of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within some port or harbor of such State; and, in such cases, it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes until the duties imposed by law should be properly secured or paid in cash, deducting interest; that, in such cases, it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs, unless by process from the ordinary judicial tribunals of the United States; and that, in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs, it should be lawful to protect the possession of the officers by the employment of the land and naval forces, and militia, under provisions similar to those authorized by the 11th section of the act of the 9th of January, 1809.

This provision, however, would not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions, in the tribunals of the State, which might thereafter be brought against them; nor would it protect their property from the proceeding by distress; and it may well be apprehended that it would be insufficient to ensure a proper respect to the process of the constitutional tribunals in prosecutions for offences against the United States, and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the Government to that portion of the people of South Carolina, against outrage and oppression of any kind, who may manifest their attachment, and yield obedience to the laws of the Union.

It may, therefore, be desirable to revive, with some modifications better adapted to the occasion, the 6th section of the act of the 3d of March, 1815, which expired on the 4th of March, 1817, by the limitation of that of the 27th of April, 1816; and to provide that, in any case where suit shall be brought against any individual in the courts of the State, for any act done under the laws of the United States, he should be authorized to remove the said cause, by petition, into the circuit court of the United States, without any copy of the record, and that the courts should proceed to hear and determine the same as if it had been originally instituted therein. And that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance, and laws of South Carolina in pursuance thereof, redress may be sought in the courts of the United States. It may be expedient, also, by modifying the resolution of the 3d of March, 1791, to authorize the marshals to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting, as they do, for the most part, rather of a revival of the policy of former acts called for by the existing emergency, than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respected or enforced. It is believed these would prove adequate, unless the military forces of the State of South Carolina, authorized by the late act of the Legislature, should be actually embodied and called out in aid of their proceedings, and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms, to adapt the act of 1795 to the present emergency, as, by that act, the provisions of the law of 1792 were accommodated to the crisis then existing; and by conferring authority upon the President to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any State, or by the courts of the United States, that, within the limits of such State, the laws of the United States will be openly opposed, and their execution obstructed, by the actual employment of military force, or by any unlawful means whatsoever, too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the Government to perform its duty, and to co-operate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the pa-

triot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary, than in preserving the good order of society, and in the maintenance of well regulated liberty.

While a forbearing spirit may, and I trust will, be exercised towards the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the revolution, and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a Government of laws, and a Federal Union, founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the Government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called to decide whether these laws possess any force, and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people cannot be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which, in this conjuncture, is devolved upon me. That a similar spirit will actuate the representatives of the American people, is not to be questioned; and I fervently pray that the Great Ruler of nations may so guide your deliberations, and our joint measures, as that they may prove salutary examples, not only to the present, but to future times; and solemnly proclaim that the constitution and the laws are supreme, and the Union indissoluble.

ANDREW JACKSON.

Washington, *January* 16, 1833.

List of papers transmitted with the preceding message.

1. Report of the committee of twenty-one to the convention of South Carolina.
2. An ordinance of the convention to nullify certain acts of Congress.
3. Address of the convention to the people of South Carolina.
4. Address of the convention to the people of the United States.
5. Message of Governor Hamilton to the Legislature of South Carolina.
6. Inaugural address of Governor Hayne to the Legislature.
7. An act to carry the ordinance, in part, into effect, called the replevin act.
8. An act to provide for the security and protection of South Carolina.
9. An act concerning the oath required by the ordinance.
10. Proclamation of the President of the United States.
11. Instructions of Secretary M'Lane to the collector of the customs at Charleston.
12. Letter of Secretary M'Lane to the United States District Attorney at Charleston.
13. Proclamation by the Governor of South Carolina.
14. Military orders of the Adjutant General and Captain of the Richland volunteers.

Documents communicated to both Houses of Congress, by the President, relating to the proceedings of South Carolina.

No. 1.

REPORT OF THE CONVENTION.

Report of the committee of twenty-one, to the convention of the people of South Carolina, on the subject of the several acts of Congress imposing duties for the protection of domestic manufactures, with the ordinance to nullify the same.

The committee to which was referred "the act to provide for the calling of a convention of the people of this State," with instructions "to consider and report thereon, and especially as to the measures proper to be adopted by the convention in reference to the violations of the constitution of the United States, in the enactment by Congress, on divers occasions, of laws laying duties and imposts for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes," beg leave, respectfully, to submit the following report:

The committee, deeply impressed with the importance of the questions submitted to them, and the weight of responsibility involved in their decision, have given to the subject their most deliberate and anxious consideration. In stating the conclusions to which they have arrived, they feel that it is due to themselves, to this convention, and to the public at large, briefly to review the history of the protecting system in this country, to show its origin, to trace its progress, to examine its character, point out its evils, and suggest the appropriate remedy. They propose to execute this task with all possible brevity and simplicity, sensible that the subject is too well understood in all its bearings, to require, at this time, a very elaborate investigation.

In the natural course of human affairs, the period would have been very remote when the people of the United States would have engaged in manufactures, but for the restrictions upon our commerce which grew out of the war between Great Britain and France, and which led to the non-intercourse act, the embargo, and, finally, our own war of 1812. Cut off by these events from a free commercial intercourse with the rest of the world, the people of the United States turned their attention to manufactures, and, on the restoration of peace in 1815, an amount of capital had been already invested in these establishments which made a strong appeal to the liberality, we might almost say to the justice of the country for protection, at least against that sudden influx of foreign goods which, it was feared, would entirely overwhelm these domestic establishments. When, therefore, in 1816, it became necessary that the revenue should be brought down to the peace establishment by a reduction of the duties upon imports, it was almost, by common consent, conceded to the claims of the manufacturers that this reduction should be gradual, and three years were accordingly allowed for bringing down the duties to the permanent revenue standard, which, embracing all the ordinary expenses of the Government, with liberal appropriations for the navy and the army, an extensive system of fortifications, and the gradual extinction of the public debt, (then amounting to $130,000,000,) was fixed at 20 per cent. If the manufacturers had, at that time, even hinted that permanent protection was deemed indispensable to their success; if the slightest suspicion had been entertained that, instead of the gradual reduction expressly provided for by the act of 1816, there would be claimed a gradual increase of the protecting duties; and that, instead of being brought down in three years to 20 per cent., the duties were to be carried up to 50 or 100 per cent., and, in many cases, to prohibition, the painful contest in which the country

has been engaged for the last ten years on this subject would have commenced immediately; and it is confidently believed that, in the temper of the public mind at that time, ample security would have been found against the introduction of such a system. But, in defiance of the clear understanding of the whole country, and in violation of the principles of justice and of good faith, that part of the act above mentioned which required that the duties should be reduced in three years to 20 per cent. was repealed, and a broad foundation thus laid for the permanent establishment of the protecting system. This system has been still further extended and fortified by the several successive acts of 1820, 1824, and 1828, until, by the passing of the act of 1832, (to take effect after the discharge of the public debt,) it has become incorporated into our political system as the "settled policy of the country." We have not deemed it necessary, in tracing the origin and progress of this system, to go further back than the commercial restrictions which preceded the late war; for, whatever theoretical opinions may have been expressed by Alexander Hamilton and others, in relation to it, at an early period, it cannot be denied that no duties were actually imposed beyond those deemed indispensable for the public exigencies, and that, prior to the year 1816, no protection whatever was actually extended to manufactures, beyond what was strictly incidental to a system for revenue. The discrimination between the protected and unprotected articles, now contended for as the very corner-stone of the protecting system, was so far from being established by that act, that the highest duties were actually imposed on the very articles now admitted duty free, while the foreign manufactures which came into competition with our domestic fabrics were subjected to a lower rate of duty. The truth then unquestionably is, that the protecting policy, according to the principles now contended for, was never introduced into this country until the period we have mentioned, when it crept insidiously into the legislation of Congress in the manner above described. This will be made abundantly manifest to every one who will take the pains to trace the progress of the duties from 7½ per cent. in 1790, up to 25 per cent. in 1816, 40 per cent. in 1824, and 50, 60, and even 100 per cent. in 1828 and 1832, and who will merely examine the manner in which these duties were adjusted in the various acts here referred to. As early as 1820, so soon indeed as the capitalists who had relied upon the powers of the Federal Government to enhance the profits of their investments by legislation, began to look forward to its eventual establishment as the settled policy of the country, they clearly perceived that an extension of the appropriations to objects not embraced in the specific grants of the federal constitution, was the necessary appendage of their system. They well knew that the people would not long submit to the levying of a large surplus revenue merely for the protection of manufactures, carried on almost exclusively in one quarter of the Union; and they therefore sought, in the extension of the appropriations to new objects, for a plausible and popular excuse for the continuance of a system of high duties. With that instinctive sagacity which belongs to men who convert the Legislature of a country into an instrument for the promotion of their own private ends, they clearly saw that the distribution of an enormous surplus treasure would afford the surest means of bringing over the enemies of the American system to its support, and of enlisting in their cause not only large masses of the people, but entire States, who had no direct interest in maintaining the protecting system, or who were even, in some respects, its victims. No scheme that the wit of man could possibly have devised, was better calculated for the accomplishment of this object. It proposed simply to reconcile men to an unjust system of national policy, by admitting them to a large share of the spoils: in a word, to levy contributions by the aid of those who were to divide the plunder. If the United States had constituted one great nation, with a consolidated Government, occupying a territory of limited extent, inhabited by a people engaged in similar pursuits, and having homogeneous interests, such a system would only have operated as a tax upon all the other great interests of the State, for the benefit of that which was favored by the laws; and when time had been allowed for the adjustment of society to this new condition of its affairs, the final result must have been an aggregate diminution of the profits of the whole community, by diverting a portion of the people from their accustomed employments to less profitable pursuits. In such a case, the hope might perhaps have been indulged, that experience would demonstrate the egregious folly of enacting laws, the only effect of which would be to supply the wants of the community at an increased expense of labor and capital. But it is the distinguishing feature of the American system, and one which stamps upon it the character of peculiar and aggravated oppression, that it is made applicable to a confederacy of twenty-four sovereign and independent States; occupying a territory upwards of two thousand miles in extent; embracing every variety of soil, climate, and productions; inhabited by a people whose institutions and interests are, in many respects, diametrically opposed to each other; with habits and pursuits infinitely diversified; and, in the great Southern section of the Union, rendered, by local circumstances, altogether incapable of change. Under such circumstances, a system which, under a consolidated Government, would be merely impolitic, and, so far, an act of injustice to the whole community, becomes, in this country, a scheme of the most intolerable oppression; because it may be, and has in fact been, so adjusted as to operate exclusively to the benefit of a particular interest, and of particular sections of country, rendering, in effect, the industry of one portion of the confederacy tributary to the rest. The laws have accordingly been so framed as to give a direct pecuniary interest to a sectional majority, in maintaining a grand system by which taxes are in effect imposed upon the few for the benefit of the many; and imposed, too, by a system of indirect taxation, so artfully contrived as to escape the vigilance of the common eye, and masked under such ingenious devices as to make it extremely difficult to expose their true character. Thus, under the pretext of imposing duties for the payment of the public debt, and providing for the common defence and general welfare, (powers expressly conferred on the Federal Government by the constitution,) acts are passed containing provisions designed exclusively and avowedly for the purpose of securing to the American manufacturers a monopoly in our own markets, to the great and manifest prejudice of those who furnish the agricultural productions which are exchanged in foreign markets for the very articles which it is the avowed object of these laws to exclude. It so happens, that six of the Southern States, whose industry is almost exclusively agricultural, though embracing a population equal to only one-third part of the whole Union, actually produce for exportation near 40,000,000 annually, being about two-thirds of the whole domestic exports of the United States. As it is their interest, so it is, unquestionably, their right, to carry these fruits of their own honest industry to the best market, without any molestation, hindrance, or restraint whatsoever, and subject to no taxes or other charges but such as may be necessary for the payment of the reasonable expenses of the Government. But how does this system operate upon our industry? While imposts to the amount of 10 and 12 per cent. (if arranged on just and equal principles,) must be admitted to be fully adequate to all the legitimate purposes of Government, duties are actually imposed (with a few inconsiderate exceptions) upon all the woollens, cottons, iron and manufactures

of iron, sugar, and salt, and almost every other article received in exchange for the cotton, rice, and tobacco of the South, bearing an average of about 50 per cent., whereby (in addition to the injurious effects of this system in prohibiting some articles, and discouraging the introduction of others,) a tax equal to one-half of the first cost is imposed upon the cottons, woollens, and iron, which are the fruits of Southern industry, in order to secure an advantage, in the home market, to their rivals, the American manufacturers of similar articles, equivalent to one-half of their value, thereby stimulating the industry of the North, and discouraging that of the South, by granting bounties to the one, and imposing taxes upon the other.

The committee deem it unnecessary to go into an elaborate examination of the true character and sectional operation of the protecting system. The subject has, of late, been so frequently and thoroughly examined, and the bearing of the system been so completely exposed, that the argument is exhausted. To the people of the Southern States there cannot be presented a more touching or irresistible appeal, either to their understandings or their hearts, than is found in the melancholy memorials of ruin and decay which are every where visible around us; memorials proclaiming the fatal character of that system which has brought upon one of the finest portions of the globe, in the full vigor of its early manhood, the poverty and desolation which belong only to the most sterile regions, or to the old age and decrepitude of nations. The moral blight and pestilence of unwise and partial legislation has swept over our fields with "the besom of destruction." The proofs are every where around us.

It is in vain for any one to contend that this is a just and equal system, or that the Northern States pay a full proportion of the tax. If this were so, how is it to be accounted for that high duties are regarded in that quarter of the Union not as a burden, but as a blessing?

How comes it that a people certainly not unmindful of their interests, are seen courting the imposition of taxes, and crying out against any material reduction of the public burdens? Does not this extraordinary fact afford conclusive evidence that high duties operate as a bounty to Northern industry; and that whatever taxes the manufacturers may pay as consumers, they are more than remunerated by the advantages they enjoy as producers; or, in other words, that they actually receive more than they pay, and, therefore, cannot be justly said to be taxed at all? When, in addition to all this, we take into consideration that the amount of duties annually levied for the protection of manufactures, beyond the necessary wants of the Government, (which cannot be estimated at less than ten or twelve millions,) is expended almost exclusively in the Northern portion of the Union, can it excite any surprise that, under the operation of the protecting system, the manufacturing States should be constantly increasing in riches and growing in strength, with an inhospitable climate and barren soil, while the Southern States, the natural garden of America, should be rapidly falling into decay? It is contrary to the general order of Providence that any country should long bear up against a system by which enormous contributions, raised in one quarter, are systematically expended in another. If the sixteen millions of dollars now annually levied in duties on the foreign goods received in exchange for Southern productions were allowed to remain in the pockets of the people, or, by some just and equal system of appropriation, could be restored to them, the condition of the plantation States would, unquestionably, be one of unexampled prosperity and happiness. Such was our condition under a system of free trade, and such would soon again be our enviable lot. Of the results which would thereby be produced, some faint conception may be formed by imagining what would be the effect upon the industry of the people of our own State, if the $8,000,000 of foreign goods now annually received in exchange for our productions, and paying duties to the amount of upwards of $3,000,000, could be obtained by us duty free, or the duties thus levied were expended within our own limits. Is it not obvious that several millions per annum would thereby be added to the available industry of South Carolina, the effect of which would assuredly be to change the entire face of affairs in this State, by enhancing the profits of the agriculturist, accumulating capital, giving a fresh impulse to commerce, and producing a vivifying influence upon every department of industry, the happy consequences of which would be experienced by every inhabitant of the State? We present this strong view of the subject to show the manifest justice of the claim which South Carolina now sets up to have this system of raising revenue, by duties upon imports, restricted within the narrowest limits, and to show how utterly impossible it is for us to consent to have it extended beyond the indispensable wants of the Government, either for the purpose of affording protection to the industry of others, or of distributing the proceeds among individuals or States.

Grievous, however, as the oppression unquestionably is, and calculated, in the strong language of our own Legislature, "to reduce the plantation States to poverty and utter desolation," it is not in this aspect that the question is presented in its most dangerous and alarming form. It is not merely that Congress have resorted, for unwarrantable purposes, to an oppressive exercise of powers granted to them by the constitution, but that they have usurped a power not granted, and have justified that usurpation on principles which, if sanctioned or submitted to, must entirely change the character of the Government, reduce the constitution to a dead letter, and, on the ruins of our confederated republic, erect a consolidated despotism, "without limitation of powers." If this be so, there is no man who is worthy of the precious heritage of liberty derived from our ancestors, or who values the free institutions of his country, who must not tremble for the cause of freedom, not only in this country, but throughout the world, unless the most prompt and efficient measures are at once adopted to arrest the downward course of our political affairs, to stay the hand of oppression, to restore the constitution to its original principles, and thereby perpetuate the Union.

It cannot be denied that the Government of the United States possesses no inherent powers. It was called into being by the States. The States not only created it, but conferred upon it all its powers, and prescribed its limits by a written charter, called the Constitution of the United States. Before the Federal Government had thus been called into being, the several States unquestionably possessed as full sovereignty, and were as independent of each other, as the most powerful nations of the world; and, in the free and undisputed exercise of that sovereignty, they entered into a solemn compact with each other, by which it was provided that for certain specified objects a General Government should be established with strictly limited powers; the several States retaining their sovereignty unimpaired, and continuing to exercise all powers not expressly granted to the Federal Government.

In the clear and emphatic language of Mr. Jefferson, "the several States composing the United States of America are not united on the principle of unlimited submission to the General Government; but, by a compact under the style and title of the Constitution of the United States, they constituted a General Government for special purposes; delegated to that Government certain definite powers; reserving, each State to itself, the residuary mass of right to their own self-government; and whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force."* That

* See Kentucky resolutions of 1778.

such is the true nature of the federal compact, cannot admit of a reasonable doubt; and it follows, of necessity, that the Federal Government is merely a joint agency, created by the States; that it can exert no power not expressly granted by them; and that, when it claims any power, it must be able to refer to the clause in the charter which confers it. This view of the constitution of the United States brings the question of the constitutionality of the tariff within the narrowest limits.

The regulation of domestic industry, so far as Government may rightfully interfere therewith, belonged to the several States before the constitution was adopted, or the Union sprang into existence; and it still remains exclusively with them, unless it has been expressly granted to the Federal Government. If such a grant has been made, it is incumbent on those claiming under it to point out the provision in the constitution which embraces it. It must be admitted that there is not a clause or article in that instrument which has the slightest allusion either to manufactures or to agriculture; while, therefore, the "regulation of commerce" is expressly conferred on the General Government, the regulation of every branch of domestic industry is reserved to the several States exclusively, who may afford them encouragement by pecuniary bounties, and by all other means not inconsistent with the constitution of the United States. To say that the power to regulate commerce embraces the regulation of agriculture and manufactures, and all the other pursuits of industry, (for they all stand upon the same footing,) is to confound the plainest distinctions, and to lose sight of the true meaning and intent of the grant in question. Commerce is, in general, regulated by treaties with foreign nations; and, therefore, it was deemed necessary that this power should be confided to the General Government; but agriculture, manufactures, and the mechanic arts can only be wisely ordered by municipal regulation. Commerce is one object of legislation, manufactures another, agriculture a third; and if the regulation of commerce implies an unlimited control over every thing which constitutes the object of commerce, it would follow, as a matter of course, that the Federal Government may exert a supreme dominion over the whole labor and capital of the country. This would transform our confederated Government, with strictly limited powers, into an absolute despotism, and of the worst sort, where, under the forms of a free Government, we should have the spirit of a despotic one. This view of the subject we should deem perfectly conclusive, even if it could not be shown that the power in question, so far from being granted, was purposely withheld from the Federal Government by the framers of the constitution, and that there are provisions of the constitution from which it may be fairly inferred that it was intended to be reserved to the States respectively. It appears, from the history of the proceedings of the convention which framed the constitution, that the subject of the protection of manufactures was several times brought distinctly to the view of that body, and that they did not see fit to grant to the Federal Government the power in question. In the original proposition to confer on Congress the power to impose "duties, imposts, and excises," was embraced "prohibitions and restraints," which may well be supposed to be intended to embrace the protection of manufactures; but it is remarkable that these words were omitted in the report of the committee on that clause. On the 18th of August, a motion was made "to establish rewards and immunities for the promotion of agriculture, commerce, trades, and manufactures;" but this proposition also failed. On a subsequent day it was moved that there should be "a secretary of domestic affairs, &c., whose duty it should be to attend to matters of general police, the state of agriculture and manufactures, the opening of roads and navigation, and facilitating of intercourse through the United States, and that he shall, from time to time, recommend such measures and establishments as may tend to promote these objects." This proposition likewise failed, the constitution containing no provision in conformity therewith.

Now, as it is utterly impossible that these several propositions, embracing imposts, duties, prohibitions, and restraints, and the encouragement of manufactures, could have been disposed of without bringing the whole question of domestic manufactures fully into view, it must follow that, as no power was given to Congress over manufactures, while the power to regulate commerce is expressly conferred, it was not the intention of the framers of the constitution to entrust this power to Congress. Although repeatedly urged to confer such a power, they constantly refused it; and the constitution, as finally ratified, contains no provision whatever upon the subject. In the report of Luther Martin, a delegate from Maryland, made to the Legislature of his State, an explanation is given of the proceedings of the convention in relation to this matter, which removes every shadow of doubt with regard to the true meaning and intent of the framers of the constitution, in relation to the protection of manufactures. It appears from this statement that, as the encouragement of manufactures had been refused to be conferred upon the Federal Government, it was the desire of Mr. Martin and others to reserve to the States all the means which they supposed to be necessary for affording effectual encouragement to manufactures within their own limits. Among these, it was presumed "that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation of raw materials; and even, in addition to the duties laid by Congress on imports for the sake of revenue, to lay a duty to discourage the importation of particular articles into a State, or to enable the manufacturer here to supply us on as good terms as could be obtained from a foreign market."* Here it will be seen that it is positively stated by Mr. Martin that the power given to Congress to impose duties upon imports was given expressly "for the sake of revenue," and was not considered as extending to any duty "to discourage the importation of particular articles, for the purpose of encouraging manufactures;" and that it was considered that, unless the several States should possess this power, as well as that of prohibiting the exportation of certain raw materials, they would not be enabled to extend that complete protection to their own manufactures which might be deemed indispensable to their success. "The most, however," says Mr. Martin, "which we could obtain was, that this power might be exercised by the States, by and with the consent of Congress, and subject to its control." Thus, then, it manifestly appears that, in relation to manufactures, the framers of the constitution positively refused to confer upon the Federal Government any power whatever. That the power to lay duties, &c. was conferred for the sake of revenue alone, and was not intended to embrace the power to lay duties "to discourage the importation of particular articles, to enable the manufacturers here to supply us on as good terms as could be obtained from a foreign market;" and, finally, that the whole subject was left in the hands of the several States, with the restriction "that no State shall, without the consent of Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing their inspection laws." This power, it appears, was expressly inserted for the purpose of enabling the States to protect their own manufactures, and this, it seems, was the only provision which the friends of domestic industry could obtain. It is vain to allege that the powers retained by the States on this subject are inadequate to the effectual accomplishment of the object. If this were so, it would

* Yates's Secret Debates in the Convention, p. 71.

only show the necessity of some further provision on this subject; but surely it will not be pretended that it would justify the usurpation, by Congress, of a power not only not granted by the constitution, but purposely withheld.

We think, however, that this exposition of the constitution places the protection of manufactures on the true foundation on which it should stand in such a Government as ours. Nothing can be more monstrous than that the industry of one or more States in this confederacy should be made profitable at the expense of others; and this must be the inevitable result of any scheme of legislation by the General Government, calculated to promote manufactures by restrictions upon commerce or agriculture. But leave manufactures where agriculture and other domestic pursuits have been wisely left by the constitution—with the several States, and ample security is furnished that no preference will be given to one pursuit over another; and, if it should be deemed advisable, in any particular State, to extend encouragement to manufactures, either by direct appropriations of money, or in the way pointed out in the article of the constitution above quoted, that this will be done, not at the expense of the rest of the Union, but of the particular State whose citizens are to derive the advantages of those pursuits. Should Massachusetts, for instance, find it to her advantage to engage in the manufacture of woollens or cottons, or Pennsylvania be desirous of encouraging the working of her iron mines, let those States grant bounties out of their own treasuries to the persons engaged in these pursuits; and should it be deemed advisable to encourage their manufactures by duties "discouraging the importation of similar articles" in these respective States, let them make an application to Congress, whose consent would doubtless be readily given to any acts of those States having these objects in view. The manufacturers of Massachusetts and Pennsylvania would thus be encouraged at the expense of the people of these States respectively. But when they claim to do more than this—to encourage their industry at the expense of the industry of the people of the other States—to promote the manufactures of the North, at the expense of the agriculture of the South, by restrictions upon commerce—in a word, to secure a monopoly for their manufactures not only in their own market, but throughout the United States, then we say that the claim is unjust, and cannot be granted consistently with the principles of the constitution, or the great ends of a confederated Government. We shall not stop to inquire whether, as has been urged with great force, that provision of the constitution which confers the power upon Congress "to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries," does not, by a necessary implication, deny to Congress the power of promoting the useful arts, (which include both agriculture and manufactures,) by any other means than those here specified. It is sufficient for our purpose, to show that the power of promoting manufactures, as a distinct, substantive object of legislation, has nowhere been granted to Congress. As to the incidental protection that may be derived from the rightful exercise of the power either of regulating commerce or of imposing taxes, duties, and imposts, for the legitimate purposes of Government, this certainly may be as freely enjoyed by manufactures as it must be by every other branch of domestic industry. But, as the power to regulate commerce, conferred expressly for its security, cannot be fairly exerted for its destruction, so neither can it be perverted to the purpose of building up manufacturing establishments, an object entirely beyond the jurisdiction of the Federal Government; so also the power to levy taxes, duties, imposts, and excises, expressly given for the purpose of raising revenue, cannot be used for the discouragement of importations, for the purpose of promoting manufactures, without a gross and palpable violation of the plain meaning and intent of the federal compact. Acts may be passed on these subjects falsely purporting, on their face, to have been enacted for the purposes of raising revenue and regulating commerce; but if, in truth, they are designed (as the acts of 1824, 1828, and 1832, confessedly and avowedly have been) for an entirely different purpose, viz. for the encouragement and promotion of manufactures, the violation of the constitution is not less gross, deliberate, and palpable, because it assumes the most dangerous of all forms, a violation by perversion—the use of a power granted for one purpose, for another and a different purpose, in relation to which Congress has no power to act at all. On the whole, even from the very brief and imperfect view which we have here taken of this subject, we think we have demonstrated that the protecting system is as gross and palpable a violation of the constitution, according to its true spirit, intent, and meaning, as it is unquestionably unequal, oppressive, and unjust in its bearing upon the great interests of the country, and the several sections of the Union.

But great as are the evils of the American system, fatal as it assuredly must be to the prosperity of a large portion of the Union, and gross as is the violation of the letter and spirit of the constitution which it perpetrates, the consequences which must inevitably result from the establishment of the pernicious principles on which it is founded, are evils of still greater magnitude. An entire change in the character of the Government is the natural and necessary consequence of the application, to the constitution, of those latitudinous rules of construction from which this system derives its existence, and which must "consolidate the States by degrees into one sovereignty; the obvious tendency and inevitable result of which would be to transform the present representative system of the United States into a monarchy."*

We fearlessly appeal to all considerate men, whether it be, in the nature of things, possible to hold together such a confederacy as ours, by any means short of a military despotism, after it has degenerated into a consolidated Government; that is to say, after it shall come to be its established policy to exercise a general legislative control over the interests and pursuits of the whole American people.

Can any man be so infatuated as to believe that Congress could regulate, wisely, the whole labor and capital of this vast confederacy? Would it not be a burden too grievous to be borne, that a great central Government, necessarily ignorant of the condition of the remote parts of the country, and regardless, perhaps, of their prosperity, should undertake to interfere with their domestic pursuits, to control their labor, to regulate their property, and to treat them, in all respects, as dependent colonies, governed, not with reference to their own interests, but the interests of others? If such a state of things must be admitted to be altogether intolerable, we confidently appeal to the sober judgment and patriotic feelings of every man who values our free institutions, and desires to preserve them, whether the progress of the Government towards this result has not, of late years, been rapid and alarming; and, whether, if the downward course of our affairs cannot be at once arrested, the consummation of this system is not at hand. No sooner had Congress assumed the power of building up manufactures by successive tariffs, calculated and intended to drive men from agriculture and commerce into more favored pursuits, than internal improvements sprang at once into vigorous existence. Pensions have been enlarged to an extent not only before unknown in any civilized country, but they have been established on such principles as manifest the settled purpose of bestowing the public treasure in gratuities to par-

* Madison's Report.

ticular classes of persons and particular sections of country. Roads and canals have been commenced, and surveys made, in certain quarters of the Union, on a scale of magnificence which evinces a like determination to distribute the public wealth into new and favored channels; and it is in entire accordance both with the theory and practice of this new system, that the General Government should absorb all the authority of the States, and eventually become the grand depository of the powers, and the general guardian and distributor of the wealth, of the whole Union. It is known to all who have marked the course of our national affairs, that Congress have undertaken to create a bank, and have already assumed jurisdiction over science and the arts, over education and charities, over roads and canals, and almost every other subject formerly considered as appertaining exclusively to the States; and that they claim and exercise an unlimited control over the appropriation of the public lands as well as of the public money. On looking, indeed, to the legislation of the last ten years, it is impossible to resist the conviction that a fatal change has taken place in the whole policy and entire operation of the Federal Government; that in every one of its departments it is, both in theory and practice, rapidly verging towards consolidation; asserting judicial supremacy over the sovereign States; extending Executive patronage and influence to the remotest ramifications of society; and assuming legislative control over every object of local concernment; thereby reducing the States to petty corporations, shorn of their sovereignty, mere parts of one great whole, standing in the same relation to the Union as a county or parish to the State of which it is a subordinate part.

Such is the true character, and such the inevitable tendencies of the American system. And when the case, thus plainly stated, is brought home to the bosoms of patriotic men, surely it is not possible to avoid the conclusion, that a political system, founded on such principles, must bear within it the seeds of premature dissolution; and that, though it may for a season be extended, enlarged, and strengthened, through the corrupting influence of patronage and power, until it shall have embraced in its serpent folds all the great interests of the State, still the time must come when the people, deprived of all other means of escape, will rise up in their might, and release themselves from this thraldom by one of those violent convulsions whereby society is uprooted from its foundations, and the edict of reform is written in blood.

Against this system South Carolina has remonstrated in the most earnest terms. As early as 1820, there was hardly a district or parish in the whole State from which memorials were not forwarded to Congress, the general language of which was, that the protecting system was "utterly subversive of their rights and interests." Again, in 1823 and 1827, the people of this State rose up almost as one man, and declared to Congress and the world "that the protecting system was unconstitutional, oppressive, and unjust." But these repeated remonstrances were answered only by repeated injuries and insults; by the enacting of the tariffs of 1824 and 1828. To give greater dignity, and, if possible, more effect to these appeals, the Legislature, in December, 1825, solemnly declared "that it was an unconstitutional exercise of power on the part of Congress to lay duties to protect domestic manufactures;" and in 1828 they caused to be presented to the Senate of the United States, and claimed to have recorded on its journals, the solemn protest of the State of South Carolina, denouncing this system as "utterly unconstitutional, grossly unequal and oppressive, and such an abuse of power as was incompatible with the principles of a free Government, and the great ends of civil society;" and that they were "then only restrained from the assertion of the sovereign rights of the State, by the hope that the magnanimity and justice of the good people of the Union would effect an abandonment of a system partial in its nature, unjust in its operation, and not within the powers delegated to Congress." And, finally, in December, 1830, it was resolved, "That the several acts of Congress imposing duties on imports, for the protection of domestic manufactures, are highly dangerous, and oppressive violations of the constitutional compact; and that whenever the States, which are suffering under the oppression, shall lose all reasonable hope of redress from the wisdom and justice of the Federal Government, it will be their right and duty to interpose, in their sovereign capacity, for the purpose of arresting the progress of the evil occasioned by the said unconstitutional acts."

Nor has South Carolina stood alone in the expression of these sentiments: Georgia and Virginia, Alabama and Mississippi, and North Carolina, have raised their voices in earnest remonstrances and repeated warnings. Virginia, in 1828, in responding to South Carolina, declared "that the constitution of the United States being a federative compact between sovereign States, in construing which no common arbiter is known, each State has a right to construe the compact for itself; and that Virginia, as one of the high contracting parties, feels itself bound to declare, and does hereby most solemnly declare, its deliberate conviction that the acts of Congress usually denominated the tariff laws, passed avowedly for the protection of domestic manufactures, are not authorized by the plain construction, true intent and meaning of the constitution."

Georgia, through her Legislature, pronounced this system to be one "which was grinding down the resources of one class of the States, to build up and advance the prosperity of another of the same confederacy, and which they solemnly believed to be contrary to the letter and spirit of the federal constitution," and declared it to be the right of the several States, in case of any infraction of the general compact, "to complain, remonstrate, and even refuse obedience to any measure of the General Government manifestly against and in violation of the constitution; that, otherwise, the law might be violated with impunity, and without redress, as often as the majority might think proper to transcend their powers, and the party injured would be bound to yield an implicit obedience to the measure, however unconstitutional, which must tend to annihilate all sovereignty and independence of the States, and consolidate all power in the General Government, which never was designed nor intended by the framers of the constitution."

Alabama also protested against "the attempt to exclude the foreign in favor of the domestic fabrics, as the exercise of a power not granted by the constitution," and concluded by stating "that she wished it to be distinctly understood, that, in common with the other Southern and Southwestern States, she regards the power asserted by the General Government to control her internal concerns by protecting duties, as a palpable usurpation of powers, not given by the constitution, and a species of oppression little short of legalized pillage."

North Carolina, in the same spirit, declared that, while "it was conceded that Congress have the express power to lay imposts, she maintains that that power was given for the purpose of revenue, and revenue alone, and that every other use of the power is a usurpation on the part of Congress." And, finally, the Legislature of Mississippi "Resolved, that the State of Mississippi concurs with the States of Georgia, South Carolina, and Virginia, in their different resolutions upon the subject of the tariff, colonization society, and internal improvement."

It has been in the face of all these remonstrances and protests, and in defiance of these repeated warnings and solemn declarations, that the recent modification of the tariff, by the act of 1832, was effected. The period of the final extinction of the public debt had always been

looked to as the crisis of our fate, when the policy of the country, in reference to the protective system, was to be finally settled. It was the period assigned, by common consent, as the utmost limit of the forbearance of South Carolina, whose citizens felt that, in the adoption of that system, their constitutional rights had been trampled on, and their dearest interests cruelly sacrificed.

No one could fail to perceive that, when every pretext for the continuance of the high duties under which the Southern States had suffered for so many years, was taken away by the payment of the national debt, and the consequent relief of the treasury from an annual demand of twelve millions of dollars, no reason could be given why these duties should not be brought down to the revenue standard, except that it was deliberately designed to secure to the manufacturers, forever, the monopoly they had so long enjoyed at the expense of the other great interests of the country.

We find, accordingly, that the new tariff, which is intended to take effect only after the final extinguishment of the public debt, has been arranged and adjusted with a single eye to the perpetuation of this system, and with an entire disregard of the just claims of the plantation States. Whatever may be the amount of the aggregate reduction effected by this bill, (and it is not pretended, in the latest treasury estimate, to exceed 5,000,000 dollars, of which near 4,000,000 dollars are on the unprotected articles,) it is not denied that it will leave a surplus of many millions in the treasury beyond the usual expenses or necessary wants of the Government; and it is notorious—nay, it appears on the face of the bill itself—that, while duties to the amount of 40, 50, and even 100 per cent. are still to be levied upon the protected articles, (that is to say, upon all the cottons, woollens, and iron, the sugar and salt, and other articles embraced in the protecting system,) the duties on the unprotected articles have been reduced greatly below the revenue standard, and upwards of $3,000,000 entirely repealed; so that, according to this system, as now established, a large surplus revenue, to be applied to internal improvements and other unwarrantable purposes, is to be levied by the imposition of enormous taxes on the necessaries of life, the very articles received chiefly in exchange for Southern productions; and this has been done in order to protect the industry of the North, with which ours comes into competition, while the articles of luxury, universally acknowledged to be the fittest subjects for taxation, are to be admitted duty free.*

Now, let it be remembered, that the very point in controversy has, all along, been—not the revenue, but the protecting duties; and yet we see that, in answer to all our petitions and remonstrances, Congress has been graciously pleased to make an adjustment of the tariff, which simply consists in taking off the duties imposed for revenue, while the protecting duties are allowed to remain substantially untouched. It was not so much the amount of the imposition, as the inequality and injustice of the protecting system, that has roused the people of South Carolina to determined resistance; and yet we find that this inequality has been aggravated, and that injustice perpetuated, by the deliberate adoption of a measure which was calculated and intended to rivet this system upon us beyond all hope of relief.

The grave and solemn question now occurs, what is to be done to redeem ourselves from the state of colonial vassalage into which we have unhappily fallen? Shall we still continue to wait for a returning sense of justice on the part of our oppressors? We are thoroughly persuaded that the hope can no longer be indulged that the tariff majority in Congress will, of their own accord, relieve us from this cruel bondage: experience teaches us that this expectation, so long and fondly indulged, is utterly delusive. The only effect of further delay must be to strengthen the hand of the oppressor, to crush the public spirit, deaden the sensibility of the people to the inestimable value of their rights, and teach them the degrading lesson of wearing their chains in patience. It is almost inconceivable that any reflecting man can believe that the crisis in our affairs, arising from the final extinction of the public debt, should be suffered to pass away without reducing the tariff to the revenue standard, and yet that such reduction may be expected to take place at some future period. What period so auspicious as that which has been allowed to pass away unimproved? Is any one so ignorant of human nature as not to know that the annual surplus which then will be brought into the treasury, under the act of 1832, will be speedily absorbed by new and enlarged appropriations, serving as additional props to a system which some vainly imagine to be tottering on its base, ready to fall under its own weight? Even at the last session of Congress, the annual appropriations were enlarged by several millions of dollars, in anticipation of this expected surplus; and the foundation is already laid for its absorption: and when this shall be accomplished, where will be the hopes of those who now say that the evil is to correct itself, and who tell us that the act of 1832, which was in fact designed to rivet the system upon the country forever, and was hailed by its friends as "a clear, distinct, and indisputable admission of the principle of protection," is to be viewed as a blessed reform, presenting the brightest auspices for the future? The truth unquestionably is, that the American system is, from its very nature, progressive. When its foundations were laid, it was foreseen and predicted that the great interests which it would build up would exert a controlling influence over the legislation of the country. The history of the world indeed affords no example of a voluntary relinquishment, by a favored class, of any pecuniary or political advantage secured to them by the laws and general policy of the country. Force has often torn from the hands of the oppressor his unrighteous gains, but reason and argument are as vain in convincing the understanding, as appeals to justice and magnanimity have ever proved to be impotent in softening the hearts of those who are enriched under the operation of laws passed professedly for the public good. Who is there that can for one moment believe that any thing short of a direct appeal to their interests will induce the dependants upon the Federal Government, the wealthy sugar planters and iron masters, or the joint stock companies, who have millions invested in cotton and woollen factories, yielding, under the operation of the protecting system, an annual income of ten or twenty per cent., voluntarily to relinquish the advantage secured to them by the laws, and consent to come down to a level with the other classes of the community! It is impossible. From every view, then, which your committee have been able to take of this subject, they are constrained to announce to this convention the solemn truth, that, after more than ten years' patient endurance of a system, which is believed by the people of this State to be fatal to their prosperity, and a gross, deliberate, and palpable violation of their constitutional rights—after the most earnest and unavailing appeals to that sense of justice, and those common sympathies, which ought to bind together the different members of a confederated republic, the crisis has at length arrived when the question must be solemnly and finally determined, whether there remain any means within the power of the State by which these evils may be redressed.

It is useless to disguise the fact, or to attempt to delude ourselves on this subject: the time has come when the State must either adopt a decisive course of action, or we must at once abandon the contest. We cannot again

* See Treasury Estimate published in August last, showing an aggregate reduction of 5,187,678 dollars, of which 3,103,631 were made entirely free.

petition; it would be idle to remonstrate, and degrading to protest. In our estimation, it is now a question of liberty or slavery. It is now to be decided whether we shall maintain the rights purchased by the precious blood of our fathers, and transmit them unimpaired to our posterity, or tamely surrender them without a struggle. We are constrained to express our solemn conviction, that, under the protecting system, we have been reduced to a state of "colonial dependence, suffering, and disgrace;" and that, unless we now fly with the spirit which becomes freemen to the rescue of our liberties, they are lost forever. Brought up in an ardent devotion to the Union of the States, the people of South Carolina have long struggled against the conviction that the powers of the Federal Government have been shamefully perverted to the purposes of injustice and oppression. Bound to their brethren by the proud recollections of the past, and fond hopes of the future, by common struggles for liberty and common glories acquired in its defence, they have been brought slowly, and with the utmost reluctance, to the conclusion that they are shut out from their sympathies, and made the unpitied victims of an inexorable system of tyrrany, which is without example in any country claiming to be free. Experience has at length taught us the lamentable truth that, administered as the Government now is, and has been for several years past, in open disregard of all the limitations prescribed by the constitution, the Union itself, instead of being a blessing, must soon become a curse. Liberty, we are thoroughly persuaded, cannot be preserved under our system, without a sacred and inviolable regard not merely to the letter, but to the true spirit of the constitution; and without liberty, the Union would not be worth preserving. If, then, there were no alternatives but to submit to these evils, or to seek a remedy even in revolution itself, we could not, without proving ourselves recreant to the principles hallowed by the example of our ancestors, hesitate a moment as to our choice. We should say, in the spirit of our fathers, "we have counted the cost, and find nothing so intolerable as voluntary slavery." But we cannot bring ourselves, for one moment, to believe that the alternatives presented to us are revolution or slavery. We confidently believe that there is a redeeming spirit in our institutions, which may, on great occasions, be brought to our aid for the purpose of preserving the public liberty, restoring the constitution, and effecting a regeneration of the Government, and thereby producing a redress of intolerable grievances, without war, revolution, or a dissolution of the Union. These great objects, we feel assured, may even now be effected, unless those who are in possession of the powers of the Government, and charged with the administration of our national affairs, shall resolve to persevere in a course of injustice, and prove by their conduct that they love the usurpation (to which the people of this State are unalterably determined not to submit) better than the Union. We believe that the redeeming spirit of our system is State sovereignty, and that it results from the very form and structure of the Federal Government, that, when the rights reserved to the several States are deliberately invaded, it is their right and their duty to "interpose for the purpose of arresting the progress of the evil of usurpation, and to maintain, within their respective limits, the authorities and privileges belonging to them as independent sovereignties."* If the several States do not possess this right, it is in vain that they claim to be sovereign. They are at once reduced to the degrading condition of humble dependents on the will of the Federal Government. South Carolina claims to be a sovereign State. She recognises no tribunal upon earth as above her authority. It is true she has entered into a solemn compact of Union with other sovereign States, but she claims, and will exercise, the right to determine the extent of her obligations under that compact, nor will she consent that any other power shall exercise the right of judgment for her. And when that compact is violated by her co-States, or by the Government which they have created, she asserts her unquestionable right "to judge of the infractions, as well as of the mode and measure of redress."* South Carolina claims no right to judge for others. The States who are parties to the compact must judge, each for itself, whether that compact has been pursued or violated; and should they differ irreconcilably in opinion, there is no earthly tribunal that can authoritatively decide between them. It was in the contemplation of a similar case that Mr. Jefferson declared that, if the difference could neither be compromised nor avoided, it was the peculiar felicity of our system to have provided a remedy in a convention of all the States, by whom the constitution might be so altered or amended as to remove the difficulty. To this tribunal South Carolina is willing that an appeal should now be made, and that the constitutional compact should be so modified as to accomplish all the great ends for which the Union was formed, and the Federal Government constituted, and, at the same time, restore the rights of the States, and preserve them from violation hereafter. Your committee purposely avoid entering here into an examination of the nature and character of this claim, which South Carolina asserts, to interpose her sovereignty for the protection of her citizens from the operation of unconstitutional laws, and the preservation of her own reserved rights. In an address which will be submitted to the convention, this subject will be fully examined; and they trust that it will be made to appear to the entire satisfaction of every dispassionate mind, that in adopting the ordinance which the committee herewith report, declaring the tariff laws passed for the protection of domestic manufactures null and void, and not law, and directing the Legislature to provide that the same shall not be enforced within the limits of this State, South Carolina will be asserting her unquestionable rights, and in no way violating her obligations under the federal compact.

The committee cannot dismiss this point, however, even for the present, without remarking that, in asserting the principles, and adopting the course which they are about to recommend, South Carolina will only be carrying out the doctrines which were asserted by Virginia and Kentucky in 1798, and which have been sanctified by the high authority of Thomas Jefferson. It is from the pen of this great apostle of liberty that we have been instructed that to the constitutional compact "each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party;" that "they alone being parties to the compact, are solely authorized to judge, in the last resort, of the powers exercised under it—Congress being not a party, but merely the creature of the compact;" that it becomes a sovereign State "to submit to undelegated, and consequently unlimited power, in no man or body of men on earth; that, in cases of abuse of the delegated powers, the members of the General Government being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, [the very case now before us,] a nullification of the act is the rightful remedy; that every State has a natural right, in cases not within the compact [*casus non fœderis*] to nullify of their own authority all assumption of power by others within their limits; and that, without this right, they would be under the dominion, absolute and unlimited, of whomsover might exercise the right of judgment for them;" and that, in case of acts being passed by Congress, "so palpably against the constitution as to amount to an

* Virginia Resolutions of 1798.

† Kentucky Resolutions of 1798.

undisguised declaration that the compact is not meant to be the measure of the powers of the General Government, but that it will proceed to exercise over the States all powers whatsoever, by seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed of binding the States, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent, it would be the duty of the States to declare the acts void and of no force; and that each should take measures of its own, for providing that neither such acts, nor any other of the General Government not plainly and intentionally authorized by the constitution, shall be exercised within their respective territories."

In acting on these great and essential truths, South Carolina surely cannot err. She is convinced, and has so declared to Congress and the world, that the protecting system is, in all its branches, a "gross, deliberate, and palpable violation of the constitution." She believes that, after having exhausted every other means of redress in vain, it is her right, and that it has now become her solemn duty, to interpose for arresting the evil within her own limits, by declaring said acts "to be null and void, and no law, and taking measures of her own that they shall not be enforced within her territory." That duty she means to perform, and to leave the consequences in the hands of Him with whom are the issues of life, and the destinies of nations.

South Carolina will continue to cherish a sincere attachment to the Union of the States, and will, to the utmost of her power, endeavor to preserve it; "and believes that, for this end, it is her duty to watch over and oppose any infraction of those principles which constitute the only basis of that union, because a faithful observance of them can alone secure its existence." She venerates the constitution, and will protect and defend it "against every aggression, either foreign or domestic;" but, above all, she estimates, as beyond all price, her liberty, which she is unalterably determined never to surrender while she has the power to maintain it. Influenced by these views, your committee report herewith, for the adoption of the convention, a solemn declaration and ordinance.

No. 2.

ORDINANCE.

An ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities.

Whereas the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the confederacy: And whereas the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue for objects unauthorized by the constitution.

We, therefore, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and, more especially, an act entitled "An act in alteration of the several acts imposing duties on imports," approved on the nineteenth day of May, one thousand eight hundred and twenty-eight, and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of this State, from and after the 1st day of February next, and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined to obey and give effect to this ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto.

And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and if any such appeal shall be attempted to be taken, the courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the court.

And it is further ordained, that all persons now holding any office of honor, profit, or trust, civil or military, under this State, (members of the Legislature excepted,) shall, within such time, and in such manner as the Legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military, (members of the Legislature excepted,) shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be empannelled in any of the courts of this State, in any cause in which shall be in question this ordinance, or any act of the Legislature passed in pursuance thereof, unless he

shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this our ordinance and declaration, at every hazard, do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union: and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do.

Done in convention at Columbia, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the declaration of the independence of the United States of America.

JAMES HAMILTON, jr.,
President of Convention, and Delegate from St. Peters.

James Hamilton, sen., Rich'd Bohun Baker, sen., Samuel Warren, Nathaniel Heyward, Rob. Long, J. B. Earle, L. M. Ayer, Benjamin Adams, James Adams, James Anderson, Robert Anderson, William Arnold, John Ball, Barnard E. Bee, Thomas W. Boone, R. W. Barnwell, Isaac Bradwell, jr., Thomas G. Blewett, P. M. Butler, John G. Brown, J. G. Brown, John Bauskett, A. Burt, Francis Burt, jr., Bailey Barton, A. Bowie, James A. Black, A. H. Belin, Philip Cohen, Samuel Cordes, Thos. H. Colcock, C. J. Colcock, Charles G. Capers, Wm. C. Clifton, West Caughman, John Counts, Benjamin Chambers, J. A. Campbell, Wm. Dubose, John H. Dawson, John Douglas, George Douglas, F. H. Elmore, Wm. Evans, Edmund J. Felder, A. Fuller, Thos. L. Gourdin, Peter G. Gourdin, T. J. Goodwyn, Peter Gaillard, jr., John K. Griffin, George W. Glenn, Alex. L. Gregg, Robert Y. Hayne, William Harper, Thomas Harrison, John Hatton, Thomas Harllee, Abm. Huguenin, Jacob Bond I'On, John S. Jeter, Job Johnston, John S. James, M. Jacobs, J. A. Keith, John Key, Jacob H. King, Stephen Lacoste, James Lynah, Francis Y. Legare, Alex. J. Lawton, John Lipscomb, John Logan, J. Littlejohn, A. Lancastar, John Magrath, Benj. A. Markley, John S. Maner, Wm. M. Murray, R. G. Mills, John B. McCall, D. H. Means, R. G. Mays, George McDuffie, Jas. Moore, John L. Miller, Stephen D. Miller, John B. Miller, R. P. McCord, John L. Nowell, Jennings O'Bannon, J. Walter Phillips, Charles Parker, Wm. Porcher, Edward G. Palmer, Charles C. Pinckney, Wm. C. Pinckney, Thomas Pinckney, Francis D. Quash, John Rivers, Donald Rowe, Benjamin Rogers, Thomas Ray, James G. Spann, James Spann, S. L. Simons, Peter J. Shand, James Mongin Smith, G. H. Smith, Wm. Smith, Stephen Smith, Wm. Stringfellow, Edwin J. Scott, F. W. Symmes, J. S. Sims, T. D. Singleton, Joseph L. Stevens, T. E. Screven, Rob. J. Turnbull, Elisha Tyler, Philip Tidyman, Isaac B. Ulmer, Peter Vaught, Elias Vanderhorst, John L. Wilson, Isham Walker, Wm. Williams, Thos. B. Woodward, Sterling C. Williamson, F. H. Wardlaw, Abner Whatley, J. T. Whitefield, Samuel L. Watt, Nicholas Ware, Wm. Waties, Archibald Young.

Attest: ISAAC W. HAYNE,
Clerk of the Convention.

No. 3.

Address to the People of South Carolina, by their Delegates in Convention.

Fellow-Citizens: The situation in which you have been placed by the usurpations of the Federal Government, is one which you so peculiarly feel as to render all reference to it at this moment unnecessary. For the last ten years the subject of your grievances has been presented to you. This subject you have well considered. You have reviewed it in all its aspects, bearings, and tendencies; and you seem more and more confirmed in the opinion, expressed by both branches of the Legislature, that the tariff, in its operation, is not only "grossly unequal and unjust, but is such an abuse of power as is incompatible with the principles of a free Government, and the great ends of civil society;" and that, if persisted in, "the fate of this State would be poverty and utter desolation." Correspondent with this conviction, a disposition is manifested in every section of the country to arrest, by some means or other, the progress of this intolerable evil. This disposition having arisen from no sudden excitement, but having been gradually formed by the free and temperate discussions of the press, there is no reason to believe that it can ever subside by any means short of the removal of the urgent abuse; and it is under this general conviction that we have been convened to take into consideration not only the character and extent of your grievances, but also the mode and measure of redress.

This duty, fellow-citizens, we have discharged to the best of our judgments, and the result of our deliberations will be found in the declaration and ordinance just passed by us, founded on the great and undeniable truth, that, in all cases of a palpable, oppressive, and dangerous infraction of the federal compact, each State has a right to annul, and to render inoperative within its limits, all such unauthorized acts. After the luminous expositions which have been already furnished by so many great minds, that the exercise of this right is compatible with the first principles of our anomalous scheme of government, it would be superfluous here to state at length the reasons by which this mode of redress is to be sustained. A deference, however, for the opinions of those of our fellow-citizens who have hitherto dissented from us, demands that we should briefly state the principal ground upon which we place the right and the expediency of nullification.

The constitution of the United States, as is admitted by cotemporaneous writers, is a compact between sovereign States. Though the subject-matter of that compact was a Government, the powers of which Government were to operate to a certain extent upon the people of those sovereign States aggregately, and not upon the State authorities, as is usual in confederacies, still the constitution is a confederacy. First. It is a confederacy, because, in its foundations, it possesses not one single feature of nationality. The people of the separate States, as distinct political communities, ratified the constitution, each State acting for itself, and binding its own citizens, and not those of any other State. The act of ratification declares it "to be binding on the States so ratifying. The States are its authors; their power created it; their voice clothed it with authority; the Government it formed is in reality their Government; and the Union, of which it is the bond, is a Union of States, and not of individuals." Secondly. It is a confederacy, because the extent of the powers of the

Government depends not upon the people of the United States collectively, but upon the State Legislatures, or on the people of the separate States acting in their State conventions, each State being represented by a single vote.

It must never be forgotten that it is to the creating and to the controlling power that we are to look for the true character of the Federal Government, for the present controversy is not as to the sources from which the ordinary powers of the Government are drawn: these are partly federal and partly national. Nor is it relevant to consider upon whom these powers operate. In this last view, the Government, for limited purposes, is entirely national. The true question is, who are the parties to the compact? Who created, and who can alter and destroy it? Is it the States or the people? This question has been already answered. The States, as States, ratified the compact. The people of the United States, collectively, had no agency in its formation. There did not exist then, nor has there existed at any time since, such a political body as the people of the United States. There is not now, nor has there ever been, such a relation existing as that of a citizen of New Hampshire, and a citizen of South Carolina, bound together in the same social compact. It would be a waste of time to dwell longer on this part of our subject. We repeat that, as regards the foundation and the extent of its powers, the Government of the United States is strictly what its name implies—a Federal Government: a league between several sovereigns; and in these views a more perfect confederacy has never existed in ancient or modern times.

On looking into this constitution, we find that the most important sovereign powers are delegated to the central Government, and all other powers are reserved to the States. A foreign or an inattentive reader, unacquainted with the origin, progress, and history of the constitution, would be very apt, from the phraseology of the instrument, to regard the States as having divested themselves of their sovereignty, and to have become great corporations, subordinate to one supreme Government. But this an error. The States are as sovereign now as they were prior to their entering into the compact. In common parlance, and to avoid circumlocution, it may be admissible enough to speak of delegated and reserved sovereignty. But, correctly speaking, sovereignty is a unit. It is "one, indivisible, and unalienable." It is, therefore, an absurdity to imagine that the sovereignty of the States is surrendered in part, and retained in part. The federal constitution is a treaty, a confederation, an alliance, by which so many sovereign States agree to exercise their sovereign powers conjointly upon certain objects of external concern, in which they are equally interested, such as war, peace, commerce, foreign negotiation, and Indian trade; and upon all other subjects of civil government, they were to exercise their sovereignty separately. This is the true nature of the compact.

For the convenient, conjoint exercise of the sovereignty of the States, there must, of necessity, be some common agency or functionary. This agency is the Federal Government. It represents the confederated States, and executes their joint will as expressed in the compact. The powers of this Government are wholly derivative. It possesses no more inherent sovereignty than an incorporated town, or any other great corporate body. It is a political corporation, and, like all corporations, it looks for its powers to an exterior source. That source is the States. It wants that "irresistible, absolute, uncontrolled authority," without which, according to jurists, there can be no sovereignty. As the States conferred, so the States can take away its powers. All inherent sovereignty is therefore in the States. It is the moral obligation alone, which each State has chosen to impose upon herself, and not the want of sovereignty, which restrains her from exercising all those powers which (as we are accustomed to express ourselves) she has surrendered to the Federal Government. The present organization of our Government, as far as regards the terms in which the powers of Congress are delegated, in no wise differs from the old confederation. The powers of the old Congress were delegated rather in stronger language than we find them written down in the new charter; and yet he would hazard a bold assertion who would say that the States of the old confederacy were not as sovereign as Great Britain, France, and Russia would be in an alliance, offensive and defensive. It was not the reservation in express terms of the "sovereignty, freedom, and independence of each State" which made them sovereign. They would have been equally sovereign, as is universally admitted, without such a reservation.

We have said thus much upon the subject of sovereignty, because the only foundation upon which we can safely erect the right of a State to protect its citizens, is, that South Carolina, by the declaration of independence, became, and has since continued, a free, sovereign, and independent State. That, as a sovereign State, she has the inherent power to do all those acts which, by the law of nations, any prince or potentate may of right do. That, like all independent States, she neither has, nor ought she to suffer any other restraint upon her sovereign will and pleasure, than those high moral obligations under which all princes and States are bound, before God and man, to perform their solemn pledges. The inevitable conclusion from what has been said, therefore, is, that, as in all cases of compact between independent sovereigns, where, from the very nature of things, there can be no common judge or umpire, each sovereign has a right "to judge as well of infractions as of the mode and measure of redress;" so in the present controversy between South Carolina and the Federal Government, it belongs solely to her, by her delegates in solemn convention assembled, to decide whether the federal compact be violated, and what remedy the State ought to pursue. South Carolina, therefore, cannot and will not yield to any department of the Federal Government, and still less to the Supreme Court of the United States, the creature of a Government, which itself is a creature of the States, a right which enters into the essence of all sovereignty, and without which it would become a bauble and a name.

It is fortunate for the view which we have just taken, that the history of the constitution, as traced through the journals of the convention which framed that instrument, places the right contended for upon the same sure foundation. These journals furnish abundant proof that "no line of jurisdiction between the States and Federal Government, in doubtful cases," could be agreed on. It was conceded by Mr. Madison and Mr. Randolph, the most prominent advocates for a Supreme Government, that it was impossible to draw this line, because no tribunal sufficiently impartial, as they conceived, could be found, and that there was no alternative but to make the Federal Government supreme, by giving it, in all such cases, a negative on the acts of the State Legislatures. The pertinacity with which this negative power was insisted on by the advocates of a National Government, even after all the important provisions of the judiciary or third article of the constitution were arranged and agreed to, proves, beyond doubt, that the Supreme Court was never contemplated by either party in that convention as an arbiter to decide conflicting claims of sovereignty between the States and Congress: and the repeated rejection of all proposals to take from the States the power of placing their own construction upon the articles of union, evinces that the States were resolved never to part with the right to judge whether the acts of the Federal Legislature were or were not an infringement of those articles.

Correspondent with the right of a sovereign State to judge of the infractions of the federal compact, is the duty of this convention to declare the extent of the griev-

ance, and the mode and measure of redress. On both these points public opinion has already anticipated us in much that we could urge. It is doubted whether, in any country, any subject has undergone, before the people, a more thorough examination than the constitutionality of the several acts of Congress for the protection of domestic manufactures.

Independent of the present embarrassments they throw in the way of our commerce, and the plain indications that certain articles, which are the natural exchange for our valuable staple products, are sooner or later to be virtually prohibited; independent of the diminution which these impost duties cause in our incomes, and the severity of the tax upon all articles of consumption needed by the poor, they recognise a principle not less at war with the ends for which this great confederacy was formed, than it is with that spirit of justice, and those feelings of concord, which ought to prevail amongst States united by so many common interests and exalted triumphs. The people surely need not be told, in this advanced period of intellect and of freedom, that no Government can be free which can rightfully impose a tax for the encouragement of one branch of industry, at the expense of all others, unless such a tax be justified by some great and unavoidable public necessity. Still less can the people believe that, in a confederacy of States, designed principally as an alliance, offensive and defensive, its authors could ever have contemplated that the federal head should regulate the domestic industry of a widely extended country, distinguished above all others for the diversity of interests, pursuits, and resources, in its various sections. It was this acknowledged diversity that caused the arrangement of a conjoint and separate exercise of the sovereign authority—the one to regulate external concerns, and the other to have absolute control "over the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the States."

It is the striking characteristic in the operation of a simple and consolidated Government, that it protects manufactures, agriculture, or any other branch of the public industry; that it can establish corporations, or make roads and canals, and patronize learning and the arts. But it would be difficult to show that such was the government which the sages of the convention designed for the States. All these powers were proposed to be given to Congress, and they were proposed by that party in the convention who desired a firm National Government. The convention having decided on the federal form, in exclusion of the national, all these propositions were rejected; and yet we have lived to see an American Congress, who can hold no power except by express grant, as fully in the exercise of these powers as if they were part and parcel of their expressly delegated authority. Under a pretence of regulating commerce, they would virtually prohibit it. Were this regulation of commerce resorted to, as a means of coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other *bona fide* commercial purpose, as has been justly said by our Legislature, the tariff acts would be constitutional. But none of these acts have been passed as countervailing or retaliatory measures for restrictions placed on our commerce by foreign nations. Whilst other nations seem disposed to relax in their restraints upon trade, our Congress seems absolutely bent upon the interdiction of those articles of merchandise which are exchangeable for the products of Southern labor; thus causing the principal burden of taxation to fall upon this portion of the Union, and, by depriving us of our accustomed markets, to impoverish our whole Southern country. In the same manner, and under the pretence of promoting the internal improvement of the States, and for other equally unjustifiable and unconstitutional purposes, Congress is in the constant habit of violating those fundamental principles of the constitution on which alone can rest the prosperity of the States, and the durability of the Union.

It is in vain to imagine, that with a people who have struggled for freedom, and know its inestimable value, such a state of affairs can be endured longer than there is a well founded hope that reason and justice will resume their empire in the common council of the confederacy. That hope having expired with the last session of Congress, by the present tariff act, distinctly and fully recognising, as the permanent policy of the country, the odious principle of protection, it occurs to us that there is but one course for the State to pursue. That course, fellow-citizens, is resistance; not physical, but moral, resistance—not resistance in an angry or irritated feeling, but resistance by such counter-legislation which, whilst it shall evince to the world that our measures are built upon the necessity of tendering to Congress an amicable issue, to try a doubtful question between friends and neighbors, shall, at the same time, secure us in the enjoyments of our rights and privileges. It matters not, fellow-citizens, by what name this counter-legislation shall be designated: call it nullification, State interposition, State veto, or by whatever other name you please, still, if it be but resistance to an oppressive measure, it is the course which duty, patriotism, and self-preservation prescribe. If we are asked upon what ground we place the right to resist a particular law of Congress, and yet regard ourselves as a constituent member of the Union, we answer, the ground of the compact. We do not choose, in a case of this kind, to recur to what are called our natural rights, or the right of revolution. We claim to nullify by a more imposing title. We claim it as a constitutional right, not meaning, as some have imagined, that we derive the right from the constitution, for derivative rights can only belong to the functionaries of the high contracting parties to the constitution, but we claim to exercise it as one of the parties to the compact, and as consistent with its letter, its genius, and its spirit; it being distinctly understood, at the time of ratifying the constitution, that the exercise of all sovereign rights, not agreed to be had conjointly, were to be exerted separately by the States. Though it be true that the provision in favor of what we call the reserved rights of the States was not necessary to secure to the States such reserved rights, yet the mere circumstance of its insertion in the instrument makes it as clear a constitutional provision as that of the power of Congress to raise armies or to declare war. Any exercise of a right in conformity with a constitutional provision, we conceive to be a constitutional right, whether it be founded on an express grant of the right, or be included in a general reservation of undefined powers. The constitution being the supreme law, and instrument in which a distribution of powers is made between the Federal Government and the States, it is incumbent on the authorities of each Government so to shape their legislation as not to overstep the boundaries assigned to them. No act can, therefore, be done by either Government, which, for its validity, can be referred to any other test than the standard of the constitution. If a State Government passes an act, defining and punishing a burglary, or a law abolishing the rights of primogeniture, it is more correct to say that she is in the exercise of her constitutional, than of her natural rights, because it is an express constitutional provision that she should exercise all her sovereign rights not already entrusted to the common functionary of the parties. As it is impossible, then, that any act can be passed by either Government which, if disputed, must not be referred to the constitution as the supreme law of the parties, so a right is constitutional or unconstitutional, as it shall be found to comport with, or to be repugnant to, the terms or the spirit of that instrument. There is not, therefore, a sovereign or a natural right which South Carolina can lawfully exercise in conformity with her engagements,

which is not stipulated for in the tenth amendment to the constitution. All such rights stipulated for, must be constitutional. To regard them otherwise, would be a perversion of terms.

That nullification under our reserved rights was regarded as constitutional by the Virginia resolutions of 1798, is clear, from the exposition of them by the celebrated report drawn by Mr. Madison. In defending the third of these resolutions, which asserts the doctrine of State interposition and protection, the committee say "that they have scanned it not merely with a strict, but with a severe eye, and they feel confidence in pronouncing that, in its just and fair construction, it is unexceptionably true in its several positions, as well as constitutional and conclusive in its inferences." What were the positions of the third resolution? 1st. That the powers of the Federal Government were limited to the plain sense of the instrument constituting the compact. 2d. That, in case of a deliberate, palpable, and dangerous infraction of the compact, the State has the right to interpose, &c. Now what is the inference? It is, that "they are in duty bound to arrest the progress of the evil, by maintaining within their respective limits the authorities, rights, and liberties appertaining to them." This inference, says the report, is "constitutional and conclusive." The same doctrine was as distinctly affirmed by the Virginia Assembly in their resolutions adopting the report. They say, "that, having fully and accurately re-examined and reconsidered these resolutions, they find it to be their indispensable duty to adhere to the same as founded in truth, as consonant with the constitution, and as conducive to its preservation."

We are aware that it has been recently maintained that, by the State interposition referred to in this third resolution, the Virginia Assembly had allusion to the natural right, and Mr. Madison himself has been brought forward to give a construction to this resolution contrary to the most obvious import of the terms. Be it so. Then, if the State interposition here spoken of be a natural right, it is a right which the Virginia Assembly have pronounced "consonant with the constitution, and as conducive to its preservation." Or, in other words, that, without the exercise of this natural sovereign right of interposition, the constitution cannot be preserved. There is no incongruity in this. It is quite competent for two monarchs to stipulate in a treaty for that right which, independent of the treaty, would be a natural right, as if a power were conferred by the treaty on the citizens of either prince to capture, adjudge, and execute all subjects of the other engaged in piracy on the high seas. It certainly would be more proper to call such a right a conventional right than a natural right, though it be both. Several of the State constitutions furnish instances of natural rights being secured by a constitutional provision. Even in the instrument we are now considering, there is a distinct affirmation in terms of a natural right of sovereignty; such as the sovereign right of a State to keep troops and ships of war in a certain emergency, or the sovereign right of a State to lay import and export duties for the purpose of executing its inspection laws. In these cases, a natural right is also a constitutional right, contrary to the definition of those who maintain that no right is properly constitutional which is a sovereign right, because constitutional rights are derivative rights exercised by functionaries. That reasoning would be indeed strange which would place a natural, reserved, sovereign right, expressed in terms, upon a better footing than all that mass of residuary power included in the general reservation of the tenth amendment. It would be to create a distinction without a difference. The reserved rights, though undefined, are easily ascertained. Any particular right not found in the enumerated powers of Congress, of course belongs to the States.

The right to nullify is universally admitted to be a natural or sovereign right. The natural rights of the States are also admitted to be their reserved rights. If they are reserved, they must be constitutional, because the constitution, being an agreement to arrange the mode by which the States shall exercise their sovereignty, expressly stipulates for the exercise of these powers in all cases not enumerated. To some it may be unimportant upon what basis we place the right of a State to protect its citizens, as counter-legislation would be the beginning of resistance in either case; others may, perhaps justly, say that the whole controversy is resolvable into a dispute as to what is, or is not, the proper definition of a constitutional right. We, however, think it of infinite importance, in urging the right of nullification, to regard it as a constitutional, rather than as a natural remedy, because a constitutional proceeding is calculated to give it a pacific course, and a higher recommendation. The characteristic, in fact, of the American constitutions in general, is, that they sanctify the fundamental principles of the American revolution. Whilst other nations have to resort to the law of nature, and by force to drive despots from their thrones, thus incurring what, amongst them, is odiously termed the guilt of rebellion, we here have the incalculable advantage of a thorough understanding amongst all classes, that it is the right as well as the duty of a free people to recur, when necessary, to their sovereign rights, to resist oppression. Such a sentiment as this becoming familiar to the public mind, acquires prodigious strength when its spirit is seen to pervade a written constitution, and prevents, rather than accelerates, opportunities for an unnecessary recurrence to revolutionary movements. Under such a structure of the public sentiment, when the voice of a sovereign State shall be spoken, "it will be heard in a tone which virtuous governors will obey, and tyrannical ones shall dread." Nothing can more reconcile nullification to our citizens, than to know, that if we are not proceeding according to the forms of the constitution, we are nevertheless adhering to its spirit. The convention which framed the constitution could not agree upon any mode of settling a dispute like the present. The case was therefore left unprovided for, under the conviction, no doubt, as is admitted by Mr. Hamilton, in "The Federalist," that if the Federal Government should oppress the States, the State Governments would be ready to check it by virtue of their own inherent sovereign powers. "It may safely be received as an axiom in our political system, (says Mr. Hamilton,) that the State Governments will, in all possible contingencies, afford complete security against invasion of the public liberty by the national authority. Projects of usurpation cannot be masked under pretences so likely to escape the penetration of select bodies of men as of the people at large. The Legislatures will have better means of information. They can discover the danger at a distance; and, possessing all the organs of civil power, and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community."

That measure cannot be revolutionary which is adopted, not with a view to resort to force, but by some decisive measures to call the attention of the co-States to a disputed question, in such a form as to compel them to decide what are or are not the rights of the States in a case of a palpable and dangerous infraction of those fundamental principles of liberty in which they all have an interest.

In the exercise of the right of nullification, we are not unmindful of the many objections which have been urged against it. That it may embarrass the present majority in Congress, who are fatally bent upon building up the sectional interests of their constituents upon the ruin of our commerce, we can readily imagine; but these embarrassments, on examination, will be found to proceed rather from an unwillingness on their part to adjust the controversy on principles of reason and justice, than

from any real difficulty existing in the constitution. The provisions of the constitution are ample for taking the sense of the States on a question more important than any which has occurred since the formation of the Government. But, if the spirit of justice departs from the councils to which we have a right to look up as the guardians of the public liberty and the public peace, no provisions of human wisdom can avail. We have heard much of the danger of suffering one State to impede the operations of twenty-three States; but it must be obvious to every considerate man that the danger can only exist where a State is wrong. If the people of any one State are right in the principles for which they contend, it is desirable that they should impede the operations of Congress until the sentiments of its co-States shall be had. A higher eulogy could not be bestowed upon our system than the power of resorting to some conservative principle that shall stay a disruption of the league. It is no argument to say that a State may have no grounds on which to place herself upon her sovereign rights. This is a possible, but by no means a probable case. Experience has given us a most instructive lesson on this very subject. It has taught us that the danger is not that a State may resort to her sovereign rights too often, but that it will not avail herself of them when necessary. Look, fellow-citizens, to our State; for ten years we have petitioned and remonstrated against the unconstitutionality of the tariff acts, and though the conviction has been universal that the effects of the system would be ruinous to our interests, yet the difficulty has been great to bring the people to the resisting point.

And so with other objections. It has been maintained by us, that, according to the philosophy of the Government, and the true spirit of the compact, it becomes Congress, in all emergencies like the present, to solicit from the States the call of a convention. That upon such a convocation it should be incumbent on the States claiming the doubtful power, to propose an amendment to the constitution giving the doubtful power, and, on failure to obtain it by a consent of three-fourths of all the States, to regard the power as never having been intended to be given. We must not be understood to say that this was matter even of implied stipulation at the formation of the compact. The constitution is designedly silent on the subject, on account of the extreme difficulty in the minds of its framers of appointing a mode of adjusting these differences. This difficulty we now discover was imaginary. It had its source in apprehensions, which an experience of upwards of forty years has proved to be without the shadow of a foundation. Many of the sages of that day were dissatisfied with their work for a reason which is the very opposite of the truth. They feared, not that the General Government would encroach upon the rights of States, but that the States would perpetually be disposed to pass their boundaries of power, and finally destroy the confederation. Had they been blessed with the experience which we have acquired, there could have been no objection to trusting the States who created the Government, and who would not fully embarrass it with a veto under certain modifications. It seems but reasonable that a disputed power, which it would have required three-fourths of the States to add to the constitution, ought not to be insisted on by a majority in Congress, as impliedly conferred, if more than one-fourth should object to it. To deny this, would be to decide finally the validity of a power by a positive majority of the people at large, instead of a concurring majority of the States. There is, it is true, one objection, and only one to this view, and that is, that, under this theory, a majority little beyond the three-fourths, as, for instance, seven States out of twenty-four, might deprive Congress of powers which have been expressly delegated. The answer to this is, that it would be a very extreme case for a single State to claim the resumption of a power which it had clearly delegated in positive terms. But it seems almost beyond the range of possibility, that six other States should be found to sustain a nullifying State in such a pretension. Should such a case ever occur, as one-fourth and upwards of the States resolving to break their pledges without the slightest pretence, it would show that it was time to dissolve the league. If a spirit of friendship and fair dealing cannot bind together the members of this Union, the sooner it is dissolved the better. So that this objection is rather nominal than substantial. But the evil of this objection is, that whilst its admission would relieve us from an imaginary peril, we should be plunged into that certain danger of an unrestricted liberty of Congress to give us, instead of a confederated Government, a Government without any other limitation upon its power than the will of a majority.

Other objections have been urged against nullification. It is said that the President or Congress might employ the military and naval force of the United States to reduce the nullifying State into obedience, and thus produce a civil dissension amongst the members of the confederacy. We do not deem it necessary, in a community so conversant with this part of the subject as that of South Carolina, to recapitulate the arguments which have been urged against such an improbable course, both for the want of power, and on the ground of expediency. But we cannot pass over one view, which we think sufficient to quiet all apprehension on that score. We live in an age of reason and intellect. The idea of using force on an occasion of this kind is utterly at variance with the genius and spirit of the American people. In truth, it is becoming repugnant even to the genius and spirit of the Governments of the old world. We have lately seen in England one of the greatest reforms achieved which her history records—a reform which her wisest statesmen, twenty years ago, would have predicted could not be accomplished without civil war, brought about by a bloodless revolution. The cause is manifest. Not only are the people every where better informed, but such is the influence which public opinion exerts over constituted authorities, that the rulers of this earth are more swayed by reason and justice than formerly. Under such evident indications of the march of mind and intellect, it would be to pay but a poor compliment to the people of these States, to imagine that a measure taken by a sovereign State, with the most perfect good feeling to her confederates, and to the perpetuity of the Union, and with no other view than to force upon its members the consideration of a most important constitutional question, should terminate otherwise than peaceably.

Fellow-citizens, it is our honest and firm belief that nullification will preserve, and not destroy, this Union. But we should regret to conceal from you, that, if Congress should not be animated with a patriotic and liberal feeling in this conjuncture, they can give to this controversy what issue they please. Admit, then, that there is risk of a serious conflict with the Federal Government. We know of no better way to avoid the chance of hostile measures in our opponents than to evince a readiness to meet danger, come from what quarter it will. We should think that the American revolution was, indeed, to little purpose, if a consideration of this kind were to deter our people from asserting their sovereign rights. That revolution, it is well known, was not entered into by our Southern ancestors from any actual oppression which the people suffered; it was a contest waged for principle, emphatically for principle. The calamities of revolution, strife, and civil war, were fairly presented to the illustrious patriots of those times which tried the souls of men. The alternative was either to remain dependent colonies, in hopeless servitude, or to become free, sovereign, and independent States. To attain such a distinguished rank

amongst the nations of the earth, there was but one path, and that the path of glory—the crowning glory of being accounted worthy of all suffering, and of embracing all the calamities of a protracted war abroad, and of domestic evils at home, rather than to surrender their liberties. The result of their labors is known to the world, through the flood of light which that revolution has shed upon the science of Government, and the rights of man—in the "lesson it has taught the oppressor, and in the example it has afforded to the oppressed;" in the invigoration of the spirit of freedom every where, and in the amelioration it is producing in the social order of mankind.

Inestimable are the blessings of that well regulated freedom which permits man to direct his labors and his enterprise to the pursuit or branch of industry to which he thinks nature has qualified him, unmolested by avarice, enthroned in power. Such was the freedom for which South Carolina struggled when a dependent colony; such is the freedom of which she once tasted, as the first fruit of that revolutionary triumph which she assisted to achieve; such is the freedom she reserved to herself on entering into the league; such is the freedom of which she has been deprived, and to which she must be restored, if her commerce be worth preserving, or the spirit of her Laurens and her Gadsden has not fled forever from our bosoms. It is in vain to tell South Carolina that she can look to any administration of the Federal Government for the protection of her sovereign rights, or the redress of her Southern wrongs. Where the fountain is so polluted, it is not to be expected that the stream will again be pure. The protection to which, in all representative Governments, the people have been accustomed to look, to wit, the responsibility of the governors to the governed, has proved nerveless and illusory. Under such a system, nothing but a radical reform in our political institutions can preserve this Union. It is full time that we should know what rights we have under the federal constitution; and more especially ought we to know whether we are to live under a consolidated Government, or a confederacy of States; whether the States be sovereign, or their local Legislatures be mere corporations. A fresh understanding of the bargain we deem absolutely necessary. No mode can be devised by which a dispute can be referred to the source of all power, but by some one State taking the lead in the great enterprise of reform. Till some one Southern State tenders to the Federal Government an issue, it will continue to have its "appetite increased by what it feeds on." History admonishes us that rulers never have the forecast to substitute, in good time, reform for revolution. They forget that it is always more desirable that the just claims of the governed should break in on them, "through well contrived and well disposed windows, through flaws and breaches through the yawning chasms of their own ruin." One State must, under the awful prospects before us, throw herself into the breach, in this great struggle for constitutional freedom. There is no other mode of awakening the attention of the co-States to grievances which, if suffered to accumulate, must dismember the Union. It has fallen to our lot, fellow-citizens, first to quit our trenches. Let us go on to the assault with cheerful hearts and undaunted minds.

Fellow-citizens, the die is now cast. We have solemnly resolved on the course which it becomes our beloved State to pursue; we have resolved that, until these abuses shall be reformed, no more taxes shall be paid here. "Millions for defence, but not a cent for tribute." And now we call upon our citizens, native and adopted, to prepare for the crisis, and to meet it as becomes men and freemen. We call upon all classes, and all parties, to forget their former differences, and to unite in a solemn determination never to abandon this contest until such a change be effected in the councils of the nation, that all the citizens of this confederacy shall participate equally in the benefits and the burdens of the Government. To this solemn duty we now invoke you in the name of all that is sacred and valuable to man; we invoke you in the name of that liberty which has been acquired by you from an illustrious ancestry, and which it is your duty to transmit, unimpaired, to the most distant generations; we invoke you in the name of that constitution which you profess to venerate, and of that Union which you are all desirous to perpetuate. By the reverence you bear to these your institutions; by all the love you bear to liberty; by the detestation you have for servitude; by all the abiding memorials of your past glories; by the proud association of your exalted and your common triumphs in the first and greatest of revolutions; by the force of all those sublime truths which that event has inculcated amongst the nations; by the noble flame of republican enthusiasm which warms your bosoms, we conjure you, in this mighty struggle, to give your hearts, and souls, and minds to your injured and oppressed State, and to support her cause, publicly and privately, with your opinions, your prayers, and your actions. If appeals such as these prove unavailing, we then command your obedience to the laws and the authorities of the State, by a title which none can gainsay. We demand it by that allegiance which is reciprocal with the protection you have received from the State. We admit of no obedience to any authority which shall conflict with that primary allegiance which every citizen owes to the State of his birth or his adoption. There is not, nor has there ever been, "any direct or immediate allegiance between the citizens of South Carolina and the Federal Government; the relation between them is through the State." South Carolina having entered into the constitutional compact as a separate, independent, political community, as has already been stated, has the right to declare an unconstitutional act of Congress null and void. After her sovereign declaration that the act shall not be enforced within her limits, "such a declaration is obligatory on her citizens. As far as its citizens are concerned, the clear right of the State is to declare the extent of the obligation." This declaration, once made, the citizen has no course but to obey. If he refuses obedience, so as to bring himself under the displeasure of his only and lawful sovereign, and within the severe pains and penalties which, by her high sovereign power, the Legislature will not fail to provide in her self-defence, the fault and the folly must be his own.

And now, fellow-citizens, having discharged the solemn duty to which we have been summoned, in a crisis big with the most important results to the liberties, peace, safety, and happiness of this once harmonious, but now distracted confederacy, we commend our cause to that Great Disposer of events, who (if he has not already, for some inscrutable purposes of his own, decreed otherwise) will smile on the efforts of truth and justice. We know that "unless the Lord keepeth the city, the watchman waketh but in vain;" but relying, as we do, in this controversy, on the purity of our motives, and the honor of our ends, we make this appeal with all the confidence which, in times of trial and difficulty, ought to inspire the breast of the patriot and the christian. Fellow-citizens, do your duty to your country, and leave the consequences to God.

No. 4.

ADDRESS TO THE PEOPLE OF THE UNITED STATES.

To the people of Massachusetts, Virginia, New York, Pennsylvania, North Carolina, Maryland, Connecticut, Vermont, New Hampshire, Maine, New Jersey, Georgia, Delaware, Rhode Island, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri.

We, the people of South Carolina, assembled in con-

vention, have solemnly and deliberately declared, in our paramount sovereign capacity, that the act of Congress, approved the 19th day of May, 1828, and the act approved the 14th July, 1832, altering and amending the several acts imposing duties on imports, are unconstitutional, and, therefore, absolutely void and of no binding force within the limits of this State; and for the purpose of carrying this declaration into full and complete effect, we have invested the Legislature with ample powers, and made it the duty of all the functionaries and all the citizens of the State, on their allegiance, to co-operate in enforcing the aforesaid declaration.

In resorting to this important measure, to which we have been impelled by the most sacred of all the duties which a free people can owe either to the memory of their ancestors or to the claims of their posterity, we feel that it is due to the intimate political relation which exists between South Carolina and the other States of this confederacy, that we should present a clear and distinct exposition of the principles on which we have acted, and of the causes by which we have been reluctantly constrained to assume this attitude of sovereign resistance in relation to the usurpations of the Federal Government.

For this purpose, it will be necessary to state, briefly, what we conceive to be the relation created by the federal constitution between the States and the General Government; and also what we conceive to be the true character and practical operation of the system of protecting duties, as it affects our rights, our interests, and our liberties.

We hold, then, that, on their separation from the Crown of Great Britain, the several colonies became free and independent States, each enjoying the separate and independent right of self-government; and that no authority can be exercised over them, or within their limits, but by their consent, respectively given as States. It is equally true that the constitution of the United States is a compact formed between the several States acting as sovereign communities; that the Government created by it is a joint agency of the States, appointed to execute the powers enumerated and granted by that instrument; that all its acts, not intentionally authorized, are themselves essentially null and void, and that the States have the right, in the same sovereign capacity in which they adopted the federal constitution, to pronounce, in the last resort, authoritative judgment on the usurpations of the Federal Government, and to adopt such measures as they may deem necessary and expedient to arrest the operation of the unconstitutional acts of that Government within their respective limits. Such we deem to be the inherent rights of the States—rights, in the very nature of things, absolutely inseparable from sovereignty. Nor is the duty of a State to arrest an unconstitutional and oppressive act of the Federal Government less imperative than the right is incontestable. Each State, by ratifying the federal constitution, and becoming a member of the confederacy, contracted an obligation to "protect and defend that instrument, as well by resisting the usurpations of the Federal Government, as by sustaining that Government in the exercise of the powers actually conferred upon it. And the obligation of the oath which is imposed, under the constitution, on every functionary of the States, to "preserve, protect, and defend" the federal constitution, as clearly comprehends the duty of protecting and defending it against the usurpations of the Federal Government, as that of protecting and defending it against violation in any other form, or from any other quarter.

It is true, that, in ratifying the federal constitution, the States placed a large and important portion of the rights of their citizens under the joint protection of all the States, with a view to their more effectual security; but it is not less true that they reserved a portion still larger, and not less important, under their own immediate guardianship, and in relation to which, their original obligation to protect their citizens, from whatever quarter assailed, remains unchanged and undiminished.

But clear and undoubted as we regard the right, and sacred as we regard the duty of the States, to interpose their sovereign power for the purpose of protecting their citizens from the unconstitutional and oppressive acts of the Federal Government, yet we are as clearly of the opinion that nothing short of that high moral and political necessity, which results from acts of usurpation, subversive of the rights and liberties of the people, should induce a member of this confederacy to resort to this interposition. Such, however, is the melancholy and painful necessity under which we have declared the acts of Congress imposing protecting duties null and void within the limits of South Carolina. The spirit and the principles which animated your ancestors, and ours, in the councils and in the fields of their common glory, forbid us to submit any longer to a system of legislation, now become the established policy of the Federal Government, by which we are reduced to a condition of colonial vassalage, in all its aspects more oppressive and intolerable than that from which our common ancestors relieved themselves by the war of the revolution. There is no right which enters more essentially into a just conception of liberty, than that of the free and unrestricted use of the productions of our industry. This clearly involves the right of carrying the productions of that industry wherever they can be most advantageously exchanged, whether in foreign or domestic markets. South Carolina produces, almost exclusively, agricultural staples, which derive their principal value from the demand for them in foreign countries. Under these circumstances, her natural markets are abroad; and restrictive duties imposed upon her intercourse with those markets, diminish the exchangeable value of her productions very nearly to the full extent of those duties.

Under a system of free trade, the aggregate crop of South Carolina could be exchanged for a larger quantity of manufactures, by at least one-third, than it can be now exchanged for under the protecting system. It is no less evident that the value of that crop is diminished by the protecting system very nearly, if not precisely, to the extent that the aggregate quantity of manufactures which can be obtained for it is diminished. It is, indeed, strictly and philosophically true that the quantity of consumable commodities which can be obtained for the cotton and rice annually produced by the industry of the State, is the precise measure of their aggregate value. But, for the prevalent and habitual error of confounding the money price with the exchangeable value of our agricultural staples, these propositions would be regarded as self-evident. If the protecting duties were repealed, one hundred bales of cotton or one hundred barrels of rice would purchase as large a quantity of manufactures as one hundred and fifty will now purchase. The annual income of the State, its means of purchasing and consuming the necessaries and comforts and luxuries of life, would be increased in a corresponding degree.

Almost the entire cotton crop of South Carolina, amounting, annually, to more than six millions of dollars, is ultimately exchanged either for foreign manufactures, subject to protecting duties, or for similar domestic manufactures. The natural value of that crop would be all the manufactures which we could obtain for it under a system of unrestricted commerce. The artificial value, produced by the unjust and unconstitutional legislation of Congress, is only such part of those manufactures as will remain after paying a duty of fifty per cent. to the Government; or, to speak with more precision, to the Northern manufacturers. To make this obvious to the humblest comprehension, let it be supposed that the whole of the present crop should be exchanged, by the planters themselves, for those foreign manufactures for which it

is destined, by the inevitable course of trade, to be ultimately exchanged, either by themselves or their agents. Let it be also assumed, in conformity with the facts of the case, that New Jersey, for example, produces, of the very same description of manufactures, a quantity equal to that which is purchased by the cotton crop of South Carolina. We have, then, two States of the same confederacy, bound to bear an equal share of the burdens, and entitled to enjoy an equal share of the benefits of the common Government, with precisely the same quantity of productions, of the same quality and kind, produced by their lawful industry. We appeal to your candor, and to your sense of justice, to say whether South Carolina has not a title as sacred and indefeasible to the full and undiminished enjoyment of these productions of her industry, acquired by the combined operations of agriculture and commerce, as New Jersey can have to the like enjoyment of similar productions of her industry, acquired by the process of manufacture. Upon no principle of constitutional right, upon no principle of human reason or justice, can any discrimination be drawn between the titles of South Carolina and New Jersey to these productions of their capital and labor. Yet, what is the discrimination actually made by the unjust, unconstitutional, and partial legislation of Congress? A duty, on an average, of fifty per cent. is imposed upon the productions of South Carolina, while no duty at all is imposed upon the similar productions of New Jersey! The inevitable result is, that the manufactures thus lawfully acquired by the honest industry of South Carolina are worth, annually, three millions of dollars less to her citizens than the very same quantity of the very same description of manufactures are worth to the citizens of New Jersey: a difference of value produced exclusively by the operation of the protecting system.

No ingenuity can either evade or refute this proposition. The very axioms of geometry are not more self-evident. For even if the planters of South Carolina, in the case supposed, were to sell and not to consume these productions of their industry, it is plain that they could obtain no higher price for them, after paying duties to the amount of $3,000,000, than the manufacturers of New Jersey would obtain for the same quantity of the same kind of manufactures, without paying any duty at all.

This single view of the subject exhibits the enormous inequality and injustice of the protecting system in such a light, that we feel the most consoling confidence that we shall be fully justified by the impartial judgment of posterity, whatever may be the issue of this unhappy controversy. We confidently appeal to our confederate States, and to the whole world, to decide whether the annals of human legislation furnish a parallel instance of injustice and oppression perpetrated under the forms of a free Government. However it may be disguised by the complexity of the process by which it is effected, it is nothing less than the monstrous outrage of taking three millions of dollars annually from the value of the productions of South Carolina, and transferring it to the people of other and distant communities. No human Government can rightfully exercise such a power. It violates the eternal principles of natural justice, and converts the Government into a mere instrument of legislative plunder. Of all the Governments on the face of the earth, the Federal Government has the least shadow of a constitutional right to exercise such a power. It was created principally, and almost exclusively, for the purpose of protecting, improving, and extending that very commerce, which, for the last ten years, all its powers have been most unnaturally and unrighteously perverted to cripple and destroy. The power to "regulate commerce with foreign nations," was granted obviously for the preservation of that commerce. The most important of all the duties which the Federal Government owes to South Carolina under the compact of Union, is the protection and defence of her foreign commerce against all the enemies by whom it may be assailed. And in what manner has this duty been discharged? All the powers of the earth, by their commercial restrictions, and all the pirates of the ocean, by their lawless violence, could not have done so much to destroy our commerce as has been done by that very Government to which its guardianship has been committed by the federal constitution. The commerce of South Carolina consists in exchanging the staple productions of her soil for the manufactures of Europe. It is a lawful commerce. It violates the rights of no class of people in any portion of the confederacy. It is this very commerce, therefore, which the constitution has enjoined it upon Congress to encourage, protect, and defend, by such regulations as may be necessary to accomplish that object. But instead of that protection, which is the only tie of our allegiance, as individual citizens, to the Federal Government, we have seen a gigantic system of restrictions gradually reared up, and at length brought to a fatal maturity, of which it is the avowed object, and must be the inevitable result, to sweep our commerce from the great highway of nations, and cover our land with poverty and ruin.

Even the States most deeply interested in the maintenance of the protecting system will admit that it is the interest of South Carolina to carry on a commerce of exchanges with foreign countries, free from restrictions, prohibitory burdens, or incumbrances of any kind. We feel, and we know, that the vital interests of the State are involved in such a commerce. It would be a downright insult to our understandings to tell us that our interests are not injured, deeply injured, by those prohibitory duties, intended and calculated to prevent us from obtaining the cheap manufactures of foreign countries for our staples, and to compel us to receive for them the dear manufactures of our domestic establishments, or pay the penalty of the protecting duties, for daring to exercise one of the most sacred of our natural rights. What right, then, human or divine, have the manufacturing States—for we regard the Federal Government as a mere instrument in their hands—to prohibit South Carolina, directly or indirectly, from going to her natural markets, and exchanging the rich productions of her soil, without restriction or incumbrance, for such foreign articles as will most conduce to the wealth and prosperity of her citizens? It will not, surely, be pretended—for truth and decency equally forbid the allegation—that, in exchanging our productions for the cheaper manufactures of Europe, we violate any right of the domestic manufacturers, however gratifying it might be to them, if we would purchase their inferior productions at higher prices.

Upon what principle, then, can the State of South Carolina be called upon to submit to a system which excludes her from her natural markets, and the manifold benefits of that enriching commerce which a kind and beneficent Providence has provided to connect her with the family of nations, by the bonds of mutual interest? But one answer can be given to this question. It is in vain that we attempt to disguise the fact, mortifying as it must be, that the principle by which South Carolina is thus excluded, is, in strict propriety of language, and to all rational intents and purposes, a principle of colonial dependence and vassalage, in all respects identical with that which restrained our forefathers from trading with any manufacturing nation of Europe other than Great Britain. South Carolina now bears the same relation to the manufacturing States of this confederacy, that the Anglo-American colonies bore to the mother country, with the single exception, that our burdens are incomparably more oppressive than those of our ancestors. Our time, our pride, and the occasion, equally forbid us to trace out the degrading analogy. We leave that to the

historian who shall record the judgment which an impartial posterity will pronounce upon the eventful transactions of this day.

It is in vain that we attempt to console ourselves by the empty and unreal mockery of our representation in Congress. As to all those great and vital interests of the State which are affected by the protecting system, it would be better that she had no representation in that body. It serves no other purpose but to conceal the chains which fetter our liberties, under the vain and empty forms of a representative Government. In the enactment of the protecting system, the majority of Congress is, in strict propriety of speech, an irresponsible despotism. A very brief analysis will render this clear to every understanding. What, then, we ask, is involved in the idea of political responsibility in the imposition of public burdens? It clearly implies that those who impose the burdens should be responsible to those who bear them. Every representative in Congress should be responsible, not only to his own immediate constituents, but through them, and their common participation in the burdens imposed, to the constituents of every other representative. If, in the enactment of a protecting tariff, the majority in Congress imposed upon their own constituents the same burdens which they impose upon the people of South Carolina, that majority would act under all the restraints of political responsibility, and we should have the best security which human wisdom has yet devised, against oppressive legislation.

But the fact is precisely the reverse of this. The majority in Congress, in imposing protecting duties, which are utterly destructive to the interests of South Carolina, not only impose no burdens, but actually confer enriching bounties upon their constituents, proportioned to the burdens they impose upon us. Under these circumstances, the principle of representative responsibility is perverted into a principle of absolute despotism. It is this very tie, binding the majority of Congress to execute the will of their constituents, which makes them our inexorable oppressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy. They are tyrants by the very necessity of their position, however elevated may be their principles in their individual capacities.

The grave question, then, which we have to determine, as the sovereign power of the State, upon the awful responsibility under which we have acted, is, whether we will voluntarily surrender the glorious inheritance purchased and consecrated by the toils, the sufferings, and the blood of an illustrious ancestry, or transmit that inheritance to our posterity untarnished and undiminished. We could not hesitate in deciding this question. We have, therefore, deliberately and unalterably resolved that we will no longer submit to a system of oppression which reduces us to the degrading condition of tributary vassals, and which would reduce our posterity, in a few generations, to a state of poverty and wretchedness that would stand in melancholy contrast with the beautiful and delightful region in which the providence of God has cast our destinies. Having formed this resolution with a full view of all its bearings, and of all its probable and possible issues, it is due to the gravity of the subject, and the solemnity of the occasion, that we should speak to our confederate brethren in the plain language of frankness and truth. Though we plant ourselves upon the constitution, and the immutable principles of justice, and intend to operate exclusively through the civil tribunals and civil functionaries of the State, yet we will throw off this oppression at every hazard. We believe our remedy to be essentially peaceful. We believe the Federal Government has no shadow of right or authority to act against a sovereign State of the confederacy in any form, much less to coerce it by military power. But we are aware of the diversities of human opinion, and have seen too many proofs of the infatuation of human power, not to have looked with the most anxious concern to the possibility of a resort to military or naval force on the part of the Federal Government; and, in order to obviate the possibility of having the history of this contest stained by a single drop of fraternal blood, we have solemnly and irrevocably resolved that we will regard such a resort as a dissolution of the political ties which connect us with our confederate States, and will, forthwith, provide for the organization of a new and separate Government.

We implore you, and particularly the manufacturing States, not to believe that we have been actuated, in adopting this resolution, by any feeling of resentment or hostility towards them, or by a desire to dissolve the political bonds which have so long united our common destinies. We still cherish that rational devotion to the Union by which this State has been pre-eminently distinguished in all times past. But that blind and idolatrous devotion which would bow down and worship oppression and tyranny, veiled under that consecrated title, if it ever existed among us, has now vanished forever. Constitutional liberty is the only idol of our political devotion; and, to preserve that, we will not hesitate a single moment to surrender the Union itself, if the sacrifice be necessary. If it had pleased God to cover our eyes with ignorance, if He had not bestowed upon us the understanding to comprehend the enormity of the oppression under which we labor, we might submit to it without absolute degradation and infamy. But the gifts of Providence cannot be neglected or abused with impunity. A people who deliberately submit to oppression, with a full knowledge that they are oppressed, are fit only to be slaves; and all history proves that such a people will soon find a master. It is the pre-existing spirit of slavery in the people that has made tyrants in all ages of the world. No tyrant ever made a slave; no community, however small, having the spirit of freemen, ever yet had a master. The most illustrious of those States which have given to the world examples of human freedom, have occupied territories not larger than some of the districts of South Carolina; while the largest masses of population that were ever united under a common Government have been the abject, spiritless, and degraded slaves of despotic rulers. We sincerely hope, therefore, that no portion of the States of this confederacy will permit themselves to be deluded into any measures of rashness by the vain imagination that South Carolina will vindicate her rights and liberties with a less inflexible and unfaltering resolution, with a population of some half a million, than she would do with a population of twenty millions.

It does not belong to freemen to count the costs and calculate the hazards of vindicating their rights and defending their liberties; and even if we should stand alone in the worst possible emergency of this great controversy, without the co-operation or encouragement of a single State of the confederacy, we will march forward with an unfaltering step, until we have accomplished the object of this great enterprise.

Having now presented, for the consideration of the Federal Government, and our confederate States, the fixed and final determination of this State in relation to the protecting system, it remains for us to submit a plan of taxation in which we would be willing to acquiesce, in a spirit of liberal concession, provided we are met in due time, and in a becoming spirit, by the States interested in the protection of manufactures.

We believe that, upon every just and equitable principle of taxation, the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or, that whenever a duty is imposed upon protected articles imported, an excise duty of the

same rate should be imposed upon all similar articles manufactured in the United States. This would be as near an approach to perfect equality as could possibly be made in a system of indirect taxation. No substantial reason can be given for subjecting manufactures obtained from abroad in exchange for the productions of South Carolina to the smallest duty, even for revenue, which would not show that similar manufactures made in the United States should be subject to the very same rate of duty. The former, not less than the latter, are, to every rational intent, the productions of domestic industry, and the mode of acquiring the one is as lawful, and more conducive to the public prosperity, than that of acquiring the other.

But we are willing to make a large offering to preserve the Union, and, with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected: provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided, also, that a duty, substantially uniform, be imposed upon all foreign imports.

It is obvious that, even under this arrangement, the manufacturing States would have a decided advantage over the planting States. For it is demonstrably evident that, as communities, the manufacturing States would bear no part of the burdens of federal taxation, so far as the revenue should be derived from protected articles. The earnestness with which their representatives seek to increase the duties on these articles, is conclusive proof that those duties are bounties, and not burdens, to their constituents. As at least two-thirds of the federal revenue would be raised from protected articles, under the proposed modification of the tariff, the manufacturing States would be entirely exempted from all participation in that proportion of the public burdens.

Under these circumstances, we cannot permit ourselves to believe, for a moment, that, in a crisis marked by such portentous and fearful omens, those States can hesitate in acceding to this arrangement, when they perceive that it will be the means, and possibly the only means, of restoring the broken harmony of this great confederacy. They most assuredly have the strongest of human inducements, aside from all considerations of justice, to adjust this controversy, without pushing it to extremities. This can be accomplished only by the proposed modification of the tariff, or by the call of a general convention of all the States. If South Carolina should be driven out of the Union, all the other planting States, and some of the Western States, would follow by an almost absolute necessity. Can it be believed that Georgia, Mississippi, Tennessee, and even Kentucky, would continue to pay a tribute of fifty per cent. upon their consumption to the Northern States, for the privilege of being united to them, when they could receive all their supplies through the ports of South Carolina without paying a single cent of tribute?

The separation of South Carolina would inevitably produce a general dissolution of the Union, and, as a necessary consequence, the protecting system, with all its pecuniary bounties to the Northern States, and its pecuniary burdens upon the Southern States, would be utterly overthrown and demolished, involving the ruin of thousands and hundreds of thousands in the manufacturing States.

By these powerful considerations, connected with their own pecuniary interests, we beseech them to pause and contemplate the disastrous consequences which will certainly result from an obstinate perseverance, on their part, in maintaining the protecting system. With them it is a question of merely pecuniary interest, connected with no shadow of right, and involving no principle of liberty; with us it is a question involving our most sacred rights—those very rights which our common ancestors left to us as a common inheritance, purchased by their common toils, and consecrated by their blood. It is a question of liberty on the one hand, and slavery on the other. If we submit to this system of unconstitutional oppression, we shall voluntarily sink into slavery, and transmit that ignominious inheritance to our children. We will not, we cannot, we dare not, submit to this degradation; and our resolve is fixed, and unalterable, that a protecting tariff shall be no longer enforced within the limits of South Carolina. We stand upon the principles of everlasting justice, and no human power shall drive us from our position.

We have not the slightest apprehension that the General Government will attempt to force this system upon us by military power: we have warned our brethren of the consequences of such an attempt; but if, notwithstanding, such a course of madness should be pursued, we here solemnly declare that this system of oppression shall never prevail in South Carolina, until none but slaves are left to submit to it. We would infinitely prefer that the territory of the State should be the cemetery of freemen than the habitation of slaves. Actuated by these principles, and animated by these sentiments, we will cling to the pillars of the temple of our liberties, and, if it must fall, we will perish amidst the ruins.

J. HAMILTON, Jr.
President of the Convention.

Attest: ISAAC W. HAYNE, *Clerk.*

No. 5.

GOVERNOR HAMILTON'S MESSAGE.

To the Senate and House of Representatives:

FELLOW-CITIZENS: In meeting you, after the short interval which has supervened since your adjournment, allow me to tender you my most cordial and respectful salutations.

At this annual period of our assembling, it becomes us to review the occurrences of the last year, connected with our domestic concerns, if not with a minute scrutiny, at least with a sentiment of fervent gratitude to the Great Disposer of human events. These tributes of our grateful acknowledgment are due for the various and multiplied blessings He has been pleased to bestow upon our people. Abundant harvests, in every quarter of our State, have crowned the exertions of our agricultural labors. Health, almost beyond former precedent, has blessed our homes, as yet undisturbed by the frightful ravages of that new and terrible pestilence which has elsewhere made such portentous havoc in a large portion of the human family. Nor have we less reason for thankfulness in surveying our social condition. If a political excitement, connected with the public liberty of the country, has stimulated the public mind to a degree of fervor and vigor beyond all former example, this very excitement has furnished the consoling exponent of our fitness for the enjoyment of this inestimable blessing; for, in despite of a painful exasperation of public feeling, social order has been preserved, and the majesty of the law has been supreme.

The officer at the head of your financial department will give a detailed exposition of the condition of your treasury. You will perceive, by his statements, that the receipts during the last fiscal year were four hundred and sixty-eight thousand seven hundred and thirteen dollars and fifty-eight cents; and that the payments were three hundred and fifty-one thousand four hundred and ninety-six dollars and ninety-four cents; and that the difference between these two sums, added to the sums which we received on account of our claims on the General Government, left a balance in the treasury on the 1st of October, of two hundred and seventy-two thousand five hundred and thirty-three dollars and fifty-eight cents.

In our settlement with the United States, we re-

ceived, in money, one hundred and fifty-seven thousand two hundred and fifty-nine dollars and sixteen cents, and the sum of forty-one thousand six hundred and twenty-five dollars and eighty cents in arms; making, in all, the sum of one hundred and ninety-eight thousand eight hundred and eighty-four dollars and twenty cents, which we have thus recovered on account of these claims. A further balance, amounting to sixty thousand dollars, on account of arrearages for interest, is yet due, which we should likewise have received under the provisions of an act which passed both branches of Congress, but it was not returned by the President of the United States prior to the adjournment of Congress.

In this adjustment, which may be considered as final, for our State will come in under the general provisions of the act in question, whenever it is ratified, which regulates the allowance of interest to the States on sums advanced by them on account of the expenses incurred during the late war, it would be eminently unjust not to press upon your consideration the strong claims which the Comptroller General has both on your justice and liberality. I trust you will accord to him remuneration for the zeal and industry, and signal ability which he displayed in the discharge of the special duty which you assigned him in your resolution of the last annual session. Under this he repaired to Washington, and, for six months, during an inconvenient absence from his family, dedicated his time and talents to the irksome unravelling, and, finally, successful adjustment of these accounts. Such members of our delegation in Congress as co-operated with this officer in this settlement, and had the best means of witnessing his highly effective services in the performance of his trust, at once urge and bear testimony to the equity of this claim. I would respectfully suggest, as the Comptroller has only received a sum for this duty equivalent to his personal expenses in travelling to, remaining at, and returning from Washington, that he may be allowed a reasonable commission on the amount now received, and hereafter to be received, during his agency and continuance in office.

The very full and satisfactory report of the able officer at the head of the bank of the State of South Carolina, supersedes the necessity of my dwelling on any thing connected with this institution, but the encouraging fact, that after appropriating a sum deemed amply sufficient to cover all bad debts during the coming year, the amount of 120,000 dollars has been transferred to the sinking fund, which is equivalent to a dividend of 8 per cent. on the entire capital and sinking fund placed at its disposal. Permit me, however, to renew my recommendation that your patriotic solicitude be invoked, and your vigilant superintendence be exercised, over an institution so vitally connected with the public credit of our State.

You will discover, by the report of the Comptroller, that the loan hitherto authorized, of 100,000 dollars, to the South Carolina Railroad Company, has been accepted by, and paid to that corporation, on the conditions incident to its appropriation. I am happy to be able, from authentic sources of information, to announce that this interesting enterprise is progressing with vigor and success, and that its present operations already reveal the gratifying probability that the auspicious hopes of its great and diversified usefulness, which were cherished at its commencement, will, in the end, be abundantly realized. For a work which is destined, by diminishing the cost of transportation, to add so much to the value of our products, and to increase our convenience and enjoyments, whilst it augments our physical resources and our domestic security, I scarcely deem it necessary to ask your fostering patronage.

No circumstance has occurred to diminish our well founded confidence in the usefulness of the South Carolina college, which is going on with regularity and success, in the process of qualifying those who are to come after us to fill the high functionaries and offices appertaining to the public weal. That this fountain of light may diffuse its beams over our whole State, and be felt in the wide extension of literature, science, and all useful knowledge, must depend on your parental care and unrelaxed vigilance. To discharge this duty is a debt which you must pay, under a sacred obligation to posterity.

The attention of the Legislature has been so frequently invited to the subject of public education, as administered through our free schools, to our penal code, and to our existing road system, and the improvements so long desired in each of these departments of the public service have been so long postponed, that I can scarcely cherish the hope, at a period of such profound and intense interest on another and absorbing topic of public policy, connected with our relations with the Federal Government, that these subjects will command your deliberations. They are nevertheless topics of great domestic urgency, in which the necessity for reform is more readily recognised than the means of effecting it, except in relation to a mitigation of our penal code, by striking from our statute book some of the old common law penalties which yet disfigure it. That adequate means may be devised for securing an effective responsibility on the part of the trustees of the school fund, for its useful appropriation, and that this beneficent scheme of carrying the rays of light and moral life into the recesses of poverty and ignorance may not fail, either through apathy or neglect, or by the ill-judged rashness with which a benevolent enterprise may be abandoned under temporary miscarriages, susceptible of remedy, is as much my earnest hope, as it should be your anxious concern.

Whether, in reference to public roads, a commutation from labor into money, at one-half of the estimated value of the labor, to be placed, as a permanent road fund, in the hands of the commissioners of roads, would not be a mode of keeping them in repair, less burdensome to the community, and much more effective in itself, is submitted to your consideration.

I likewise submit for your deliberation whether, after the events of the last year in Virginia, some restriction ought not to be placed on the free ingress of slaves brought into our State for sale; a subject surely of momentous interest.

I beg leave to transmit you a communication from the Secretary of State of the United States, (marked A,) enclosing a statement of the apportionment of the representation of the several States under the fifth census. The expediency of your acting on this topic is so obvious, as to supersede the necessity of making any recommendation on the subject.

I likewise transmit resolutions (marked B and C) from the Legislature of Indiana, "relative to the officers and soldiers who bore arms in the revolution, and who are not entitled to pensions under any existing law," and one in regard "to a more perfect organization of the militia."

A resolution (marked D) from the House of Delegates of Maryland, is also hereby transmitted.

The laws and maps of several of the States, which I have received in the course of the present year, shall be deposited, with all convenient despatch, in the legislative library.

Immediately after your recent adjournment, at the end of the last month, a brig, called the Amelia, bound from New York to New Orleans, was wrecked on Folly island, about fifteen miles distant from Charleston, having on board a crew and passengers, amounting, in all, to upward of one hundred souls. On the unhappy sufferers reaching the shore, it was discovered that malignant cholera had, some days previously, broken out among them, and was then extending its ravages, with alarming mortality, among the survivors. On my arrival in the

city, the Intendant communicated to me these facts. Being compelled to leave Charleston immediately, I requested the city authorities to continue to enforce the quarantine laws in relation to this case, and stated to them that I felt assured you would indemnify the city for the expenses which might be incurred in protecting the health of the whole State from this dreadful epidemic.

A military guard was authorized, and stationed at Folly island, to prevent all intercourse between the crew and passengers of the brig and the citizens of our State; and I am gratified to be able to state, that, by the decision and judicious measures of the Intendant and Council, and the skill and intrepidity of the attending physicians, the infection was arrested, and confined to the island.

As the city authorities acted in fact as the agents of the State, I earnestly recommend that the amounts expended by the city of Charleston on this occasion be refunded; more especially as I cannot but think that, but for the promptitude and energy of its public authorities, the pestilence would now be desolating a portion of our State.

It is, moreover, gratifying to us to know that the unfortunate sufferers were treated with a kindness and liberality in every respect comporting with the benevolence and hospitality of our people.

During the interval between your last adjournment and the period of your present meeting, a convention of the people of the State of South Carolina, called, under the high sanctions of the constitution of the State, and by your authority, "to take into consideration the several acts of the Congress of the United States, imposing duties on foreign imports for the protection of domestic manufactures, or for other unauthorized objects; to determine on the character thereof, and to devise the means of redress; and further, in like manner, to take into consideration such acts of the said Congress laying duties on imports, as may be passed in amendment of, or substitution for, the act or acts aforesaid; and also all other laws and acts of the Government of the United States which shall be passed or done for the purpose of more effectually executing and enforcing the same," has assembled, deliberated, decided, and adjourned. In obedience to the injunctions of this high and sovereign assembly, I send you the result of their proceedings in relation to several of the premises, by which you will perceive that your action and co-operation are required and demanded.

I now beg leave to make special reference to the documents, in the series in which they may be respectively classified. The paper, marked E, is a report of a committee, to whom was referred the act "to provide for the calling of a convention, with instructions to consider and report thereon, and especially as to the measures proper to be adopted by the convention in reference to the violations of the constitution of the United States, in the enactment by Congress, on divers occasions, of laws laying duties and imposts for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes."

This report comprises a view of the rise, progress, unconstitutionality, and oppressiveness of the tariff laws, and concludes with submitting an ordinance (marked F,) entitled "An ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities."

The acts thus nullified are the acts passed by Congress on the 19th May, 1828, and the act passed on the 14th July, 1832. It is there declared that they are unauthorized by the constitution of the United States; that they violate the true meaning and intent thereof, and are null and void, and not law, nor binding on this State, its officers, or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

The convention has, moreover, declared that the acts to enforce this ordinance shall go into effect on the 1st of February next; that in no case of law or equity shall their authority be called in question; that no appeal shall be allowed or taken to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed; that all persons now holding any office of honor, profit, or trust, under this State, (members of the Legislature excepted,) shall take an oath well and truly to obey, execute, and enforce this ordinance; and it concludes with a solemn declaration that "the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this our ordinance and declaration at every hazard, do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities, or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports; or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will henceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do."

It is, moreover, made your duty to adopt such measures, and pass such acts as may be necessary to give full effect to the ordinance, and to prevent the enforcement and arrest the operation of the acts of Congress thus nullified. This ordinance has thus become a part of the fundamental law of South Carolina, and it, together with a report and an address to the people of South Carolina, (marked G,) and an address to the people of the co-States, (marked H,) setting forth the motives, the scope and objects of these acts and doings, were likewise adopted by the convention, and the Executive of the State was directed to transmit copies of the same to the President of the United States, to be laid before Congress, and to the Governors of the several States, to be laid before their respective Legislatures; a duty which shall be discharged with as much despatch as is compatible with a proper preparation of the papers in question.

Fellow-citizens, the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and planted herself upon her reserved rights. The rightful exercise of this power is not a question which we will any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligations to all laws passed by the General Government, within the authorized grants of power, to be drawn in question when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest, is neither to be concealed nor denied.

The crisis first presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that,

within the limits of this State, their will shall be obeyed. They have armed you with the requisite authority, and on the wisdom, firmness, and forecast with which you discharge these duties, will depend the tranquillity, peace, liberty, and happiness of our beloved State. Obedience to necessary laws, flowing from a legitimate source of public right, is the best security to social order and civil freedom. To leave this obedience to the voluntary suggestions of public duty or private conscience, or to feeble and defective enactments, in the end leads to extreme rigor, or it brings all just authority into derision and contempt. The measure of legislation which you have to employ at this crisis, is the precise amount of such enactments as may be necessary to render it utterly impossible to collect, within our limits, the duties imposed by the protective tariffs thus nullified. That you will resort to such civil and penal provisions as will accomplish this purpose, without unnecessary rigor on the one hand, or a weak and mistaken leniency on the other, I feel so well assured that I shall refrain from entering into a detail of suggestions on a subject on which you are so much better advised than myself. That you should arm every citizen with a civil process, by which he may claim, if he pleases, a restitution of his goods seized under the existing impost, on his giving security to abide the issue of a suit at law, and at the same time to define what shall constitute treason against the State, and, by a bill of pains and penalties, compel obedience, and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits, your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States.

There is one contingency in particular, for which you ought to provide, and that is, in case the collectors of the customs in any of the ports of the State, under the instructions of the General Government, should refuse to grant clearances to vessels outward bound, that no injury should accrue to our trade, or to those who may be carrying on friendly commercial intercourse with us, the Governor should, under such circumstances, be authorized to grant instantly certificates of clearance under the seal of the State.

An enlightened forecast will not, however, permit you to stop here—remember that ours is emphatically a country paying an habitual reverence to the laws. As little must be left to the discretion of the Executive as possible. Every conjuncture must be anticipated by your own enactments.

From these legislative provisions, let me now pass to the consideration of consequences, I trust, of a remote and improbable occurrence.

We claim that our remedy is essentially of a pacific character. When we set up this claim, all we mean to say is, that of right it ought to be, and, as far as we are concerned, it shall be so. To the peaceful redress afforded by our courts, in the restitution which they decree, and to the ultimate arbitrament of our sister States, in a general convention assembled, on the disputed powers, we look with confidence to the adjustment of this painful controversy. But the final issue may be adverse to this hope.

Threats of coercion we know were once, in relation to the probable measures of this State, officially promulged, and public rumor, to which it is not safe for those in charge of the public authorities to be absolutely deaf, has not diminished the conviction that these dispositions may probably be yet entertained. Nor ought we, in a struggle like this, to rely entirely on the confidence that power will not be used, because right may be violated.

We must be prepared for this alternative. I would, therefore, recommend that our militia system, and its laws, undergo a thorough revision. That the Executive be authorized to accept, for the defence of Charleston and its dependencies, the services of two thousand volunteers, either by companies or files, as they may volunteer, and that they be formed into four battalions of infantry, with one flank company of riflemen attached to each battalion; one squadron of cavalry; and two battalions, one of field, and the other of heavy artillery: that these corps be organized in a legionary brigade, and that the Executive, from the precincts in which these volunteers are organized, select the officers of the appropriate rank for the several commands. I suggest the expediency of this brigade being armed and equipped from the public arsenals completely for the field, and that appropriations may be made for supplying all deficiencies in our munitions of war.

In addition to these volunteer draughts, I deem it safe to recommend that the Executive be authorized also to accept of the services of ten thousand volunteers from the other division of the State, to be organized and arranged in regiments and brigades, and the officers to be selected by the commander-in-chief, and that this whole force be called the State Guard.

That portion of the claims upon the General Government, which was payable in arms, amounting, in value, to forty-one thousand six hundred and twenty-five dollars and eighty cents, I have received in arms of various descriptions, but still some appropriations will be necessary to augment our supplies. Provision should likewise be made for mounting some of our heavy pieces of ordnance, and a fixed and annual appropriation made for the artillery in Charleston, and in other parts of the State, according to their relative expense. I have ordered the quartermaster general, whose report will be presented to you, and the arsenal keeper at Charleston, the latter an experienced officer of artillery, to repair to this place, to attend in consultation the committees of your respective bodies in reference to the condition of their several departments.

I would, moreover, recommend that the President be requested to remove the United States troops, now in garrison in the State citadel in Charleston, which they now occupy, at the conjoint instance and request of the State and city authorities, as the accommodations of that post are much wanted for our own arms and munitions. I would moreover suggest, that, after the citadel is thus returned to the State, and the public stores belonging to the State are deposited there, the magazine guard be removed from the Neck to garrison this post, and that a daily guard be detached from it to the magazine, and that the guard be augmented to sixty men, and that the appointment of its officers, and general disposition and organization, be under the orders and authority of the commander-in-chief.

I should consider myself, gentlemen, as recreant to my trust, if I did not recommend to you these provisions, or the adoption of those of much wiser import that may suggest themselves to you, and which may be necessary to the public safety and public honor, however improbable the contingency of their ever being required. It is not enough that a people may be right in the struggle for their privileges and liberties, but they must have the means of securing their safety by ample resources for repelling force by force.

I cannot, however, but think, that, on a calm and dispassionate review by Congress, and the functionaries of the General Government, of the true merits of this controversy, the arbitration, by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us.

To resort to force, is at once to prefer a dissolution of the Union to its preservation. South Carolina has de-

clared that she admits of no arbiters but her co-States, assembled with her in their sovereign capacity. To deny to her this reference, is to admit that our league has no conservative principle short of an appeal to the sword. To suppose, when one of the most prominent of our objections to the protective system is its unconstitutionality, that this, and the other vexatious and conflicting questions of constructive power which now convulse the whole country are not susceptible of compromise or adjustment in an assembly of equivalent authority to that which formed the constitution, is to affirm that the spirit of amity and justice, without which the Union would be a revolting and compulsory league, is utterly extinct.

But be this as it may, whatever may be the issues of this unhappy controversy, relying on the intelligence and spirit of a free and gallant people, and the imperishable truth and sacred character of our rights, let us advance with an unfaltering heart and a steady step to the performance of our duty to our country. On your deliberations I fervently invoke the blessings of Almighty God.

JAMES HAMILTON, Jr.

Columbia, S. C. *November* 17, 1832.

No. 6.

GOVERNOR HAYNE'S INAUGURAL ADDRESS.

Fellow-Citizens of the Senate,
and House of Representatives:

I appear before you, in obedience to your commands, to enter upon the duties you have assigned me. The chief magistracy of South Carolina, at all times an office of high dignity and trust, has now assumed an importance which might well induce the most highly gifted among us to hesitate in taking upon himself the fearful responsibility which belongs to it. Putting out of view the considerations which would have induced me, at any time, to desire to be excused from this service—a sincere distrust of my abilities to discharge, in a satisfactory manner, the various and trying duties which must, at this momentous crisis, devolve on the Executive, would have deterred me from making the attempt, but for the conviction that every man now owes a duty to his country, which he is bound, at every sacrifice, to perform. Deeply sensible of the high honor conferred upon me in being selected to preside over the destinies of the State at this interesting period, and feeling myself bound to defer to your judgment, I am constrained to yield an implicit obedience to the public will, officially made known to me through you.

In taking this step, I am fully aware of the difficulties which are before me. In a period of intense excitement, threatened with dangers from without, and embarrassed by unhappy divisions at home, it belongs not to any wisdom or virtue, merely human, to reconcile conflicting opinions, harmonize discordant views, and meet the expectations of the public. Emergencies will probably arise, concerning which opinions will be so divided, that, act as he may, your chief magistrate will have to encounter the severest censure and reproach. Nevertheless, I will not shrink from the task you have assigned me, but, relying with confidence on your cordial support, and on the wisdom and virtue, courage and patriotism, of the people, I will walk steadily forward in the path of duty, indulging the hope that our united efforts for the promotion of the welfare, honor, and safety of the State, may be crowned with success.

In the great struggle in which we are engaged for the preservation of our rights and liberties, it is my fixed determination to assert and uphold the sovereign authority of the State, and to enforce, by all the means that may be entrusted to my hands, her sovereign will. I recognise no allegiance as paramount to that which the citizens of South Carolina owe to the State of their birth or their adoption. I here publicly declare, and wish it to be distinctly understood, that I shall hold myself bound, by the highest of all obligations, to carry into full effect, not only the ordinance of the convention, but every act of the Legislature, and every judgment of our own courts, the enforcement of which may devolve on the Executive. I claim no right to revise their acts. It will be my duty to execute them; and that duty I mean, to the utmost of my power, faithfully to perform.

In the administration of the ordinary duties of my office, it shall be my constant aim, and earnest endeavor, to reconcile discordant opinions—to allay party animosities—and, as far as may be practicable, to bring all the citizens of Carolina to regard each other as brethren of one family. In the administration of our criminal code, I am firmly resolved to "execute justice;" but I shall endeavor to do so in the spirit of the constitution, which instructs me that this shall be done "in mercy." I should despise myself, and feel that I was utterly unworthy of public confidence, if I were not unalterably determined to perform this most painful part of my public duty without "fear, favor, or affection." The pure stream of public justice shall not be contaminated by personal feelings or party animosities.

And now, fellow-citizens, having thus frankly laid down the principles by which I intend to be governed in the administration of the affairs of the State, let us look forward to the prospect before us, in order that we may be prepared to meet the crisis as becomes men, firmly resolved to do our duty in every emergency. South Carolina, after ten years of unavailing petitions and remonstrances against a system of measures on the part of the Federal Government, which, in common with the other Southern States, she has repeatedly declared to be founded in usurpation, utterly subversive of the rights, and fatal to the prosperity of her people, has, in the face of the world, put herself upon her sovereignty, and made the solemn declaration that this system shall no longer be enforced within her limits. All hope of a redress of this grievance from a returning sense of justice on the part of our oppressors, or from any probable change in the policy of the Government, having fled, nothing was left for South Carolina but to throw herself upon her reserved rights, or to remain forever in a condition of "colonial vassalage." She has therefore resolved to stand upon her rights; and it is for her sister States now to determine what is to be done in this emergency. She has announced to them her anxious desire that this controversy shall be amicably adjusted, either by a satisfactory modification of the tariff, or by a reference of the whole subject to a convention of all the States. Should neither of these reasonable propositions be acceded to, then she will feel herself justified before God and man, in firmly maintaining the position she has assumed, until some other mode can be devised for the removal of the difficulty. South Carolina is anxiously desirous of living at peace with her brethren; she has not the remotest wish to dissolve the political bands which have connected her with the great American family of confederated States. With Thomas Jefferson, "she would regard the dissolution of our Union with them as one of the greatest of evils—but not the greatest: there is one greater—submission to a Government without limitation of powers;" and such a Government, she conscientiously believes, will be our portion, should the system against which she is now struggling, be finally established as the settled policy of the country.

South Carolina is solicitous to preserve the constitution as our fathers framed it—according to its true spirit, intent, and meaning; but she is inflexibly determined never to surrender her reserved rights, nor to suffer the constitutional compact to be converted into an instrument for the oppression of her citizens.

She cannot bring herself to believe that, standing as she

does on the basis of the constitution, and the immutable principles of truth and justice, any attempt will be made by her confederate States, and, least of all, by the Government which they have created for special purposes, to reduce her to subjection by military force. A confederacy of sovereign States, formed by the free consent of all, cannot possibly be held together by any other tie than mutual sympathies and common interest. The unhallowed attempt to cement the Union with the blood of our citizens, (which, if successful, would reduce the free and sovereign States of this confederacy to mere dependent provinces,) South Carolina has solemnly declared would be regarded by her as absolving her "from all further obligation to maintain or preserve her political connexion with the people of the other States." The spirit of our free institutions, the very temper of the age, would seem to forbid the thought of an appeal to force for the settlement of a constitutional controversy. If, however, we should be deceived in this reasonable expectation, South Carolina, so far as her means extend, stands prepared to meet danger, and repel invasion, come from what quarter it may. She has warned her brethren of the inevitable consequences of an appeal to arms; and if she should be driven, in defence of her dearest rights, to resist aggression, let it be remembered that the innocent blood which may be shed in such a contest, will, in the great day of account, be required of those who shall persevere in the unhallowed attempt to exercise an "unwarrantable jurisdiction over us."

If such, fellow-citizens, should be our lot; if the sacred soil of Carolina should be polluted by the footsteps of an invader, or be stained with the blood of her citizens, shed in her defence, I trust in Almighty God that no son of hers, native or adopted, who has been nourished at her bosom, or been cherished by her bounty, will be found raising a parricidal arm against our common mother. And even should she stand alone in this great struggle for constitutional liberty, encompassed by her enemies, that there will not be found in the wide limits of the State one recreant son who will not fly to the rescue, and be ready to lay down his life in her defence.

South Carolina cannot be drawn down from the proud eminence on which she has now placed herself, except by the hands of her own children. Give her but a fair field, and she asks no more. Should she succeed, hers will be glory enough to have led the way in the noble work of reform. And if, after making these efforts due to her own honor, and the greatness of the cause, she is destined utterly to fail, the bitter fruits of that failure, not to herself alone, but to the entire South, nay, to the whole Union, will attest her virtue. The speedy establishment on the ruins of the rights of the States, and the liberties of the people, of a great consolidated Government, "riding and ruling over the plundered ploughman and beggared yeomanry" of our once happy land; our glorious confederacy broken into scattered and dishonored fragments; the light of liberty extinguished, never, perhaps, to be relumed; these—these will be the melancholy memorials of that wisdom which saw the danger while yet at a distance, and of that patriotism which struggled gloriously to avert it; memorials over which repentant though unavailing tears will assuredly be shed by those who will discover, when too late, that they have suffered the last occasion to pass away when the liberties of the country might have been redeemed, and the Union established upon a foundation as enduring as the everlasting rocks.

We may not live to witness these things. To some of us it may not be allotted to survive the republic. But, if we are only true to our duty, our example will, in that dark hour, be a rich legacy to our children—and which of us would desire a higher reward than to have it inscribed upon his tomb, "here lies the man who sacrificed himself in a noble effort to rescue the constitution from violation, and to restore the liberties of his country!"

Fellow-citizens, this is "our own, our native land;" it is the soil of Carolina, which has been enriched by the precious blood of our ancestors, shed in defence of those rights and liberties which we are bound by every tie, divine and human, to transmit unimpaired to our posterity. It is here that we have been cherished in youth and sustained in manhood by the generous confidence of our fellow-citizens; here repose the honored bones of our fathers; here the eyes of our children first beheld the light; and here, when our earthly pilgrimage is over, we hope to sink to rest on the bosom of our common mother. Bound to our country by such sacred and endearing ties, let others desert her if they can; let them revile her if they will; let them give aid and countenance to her enemies if they may; but for us, we will stand or fall with Carolina.

God grant that the wisdom of your counsels, sustained by the courage and patriotism of our people, may crown our efforts for the preservation of our liberties with triumphant success. But if, in the inscrutable purposes of an all-wise Providence, it should be otherwise decreed, let us be prepared to do our duty in every emergency.

If assailed by violence from abroad, and deserted by those to whom she has a right to look for support, our beloved State is to be "humbled in dust and ashes" before the footstool of the oppressor, we shall not rejoice in her humiliation, nor join in the exultation of her enemies, but, in adversity as in prosperity, in weal and in wo, "through good report and evil report," we will go for Carolina.

And now, fellow-citizens, offering up my most fervent prayers to Him in whose hands are the destinies of nations, that he will prosper all your measures, and have our whole country "in his holy keeping," I am ready, in the solemn form prescribed by the constitution, to dedidate myself to the service of the State.

December 13, 1832.

REPLEVIN ACT.

An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties on the importation of foreign commodities, passed in convention of this State, at Columbia, on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two.

Whereas, by the said ordinance, it is declared and ordained that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and, more especially, an act entitled an act in alteration of the several acts imposing duties on imports, approved on the nineteenth day of May, one thousand eight hundred and twenty-eight; and, also, an act entitled an act to alter and amend the several acts imposing duties on imports, approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers, or citizens: And whereas, also, by the said ordinance, it is ordained that it shall be the duty of the Legislature to adopt such measures, and pass such acts as may be necessary to give full effect to that ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States, within the limits of this State, from and after the first day of February next: Now, therefore, to carry into effect, in part, the said ordinance,

Be it enacted by the Senate and House of Representatives now met, and sitting in General Assembly, and by the authority of the same, That, from and after the first day of February next, if any goods, wares, or merchandise shall be seized or detained, under pretence of securing the duties imposed by any of the said several acts or parts of acts of the Congress of the United States, so annulled by the ordinance as aforesaid, or for the non-payment of any such duties, or under any process, order, or decree, mesne or final, or other pretext, contrary to the true intent and meaning of the said ordinance, the person or persons to whom the said goods, wares, or merchandise are consigned, or who may be lawfully entitled to the possession of the same, may, upon making affidavit of such seizure or detention, proceed to recover possession thereof, and damages, by an act of replevin; and the proceedings therein shall be as in other cases of replevin, according to the laws and usages of this State, except as modified or altered by this act; or such person or persons may proceed in any other manner authorized by law in cases of unlawful seizure or detention of personal property.

Sec. 2. *Be it further enacted*, That, before the sheriff shall deliver the said goods to the plaintiff in replevin, it shall be his duty to take from the said plaintiff a bond, with good and sufficient security, in the penal sum of the full value of the said goods, with the condition that he will prosecute the said suit with effect, and will well and truly abide and fulfil the final judgment and determination of the court therein.

Sec. 3. *Be it further enacted*, That, in case of refusal to deliver the said goods, or of removal of the same in any way, so that the writ of replevin cannot be executed, on the return of the sheriff to that effect, and an affidavit made before any justice of the quorum that the said goods had been seized and detained, and of the refusal to deliver the same, or that the same had been removed as aforesaid, and of the value thereof, the plaintiff in replevin may sue out a writ, in the nature of a *capias in withernam*, authorizing and requiring the sheriff of any of the districts of this State to distrain the personal estate of the person or persons refusing to deliver the said goods, or removing the same, so that the said process cannot be executed; and the sheriff shall, thereupon, seize and take into his possession any personal estate of the defendant or defendants to the amount of double the value so sworn as aforesaid, and hold the same at the proper expense of the owner or owners thereof, until the said goods are produced and delivered to the said sheriff: *Provided*, That nothing in either clause contained shall be in any manner construed to deprive the sheriff of any right and power which he now has by law in the execution of the writ of replevin.

Sec. 4. *Be it further enacted*, That if, after the delivery of the said goods by the sheriff to the plaintiff in replevin, any attempt should be made to recapture or to seize the same, or the same should be actually recaptured or seized under pretence of securing the duties imposed by any of the several acts of Congress aforesaid, or for the non-payment of any such duties, or under any process, order, or decree, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid, it shall be the duty of the sheriff, on affidavit made to that effect, to prevent such capture or seizure, or to redeliver the goods to the plaintiff in replevin, as the case may be; and the sheriff shall have the same power and authority for that purpose as he had in the original execution of the writ of replevin.

Sec. 5. *Be it further enacted by the authority aforesaid*, That, if any person shall pay any of the duties imposed by either of the acts of Congress aforesaid, the person so paying may recover back the same, together with the interest thereon, in an action for money had and received, in any court of competent jurisdiction: *Provided*, That such action be brought within one year from the time of said payment.

Sec. 6. *Be it further enacted by the authority aforesaid*, That, if any person shall be arrested or imprisoned by virtue of any order or execution for the enforcement or satisfaction of any judgment or decree obtained in any federal court for duties claimed under the acts of Congress so annulled as aforesaid, or upon any other proceeding, contrary to the true intent and meaning of the said ordinance, he shall be entitled to all the benefits and privileges secured to the citizen in case of unlawful arrest or imprisonment, by the statute made of force in this State, commonly called the *habeas corpus* act, and he may also maintain an action for such unlawful arrest or imprisonment.

Sec. 7. *Be it further enacted by the authority aforesaid*, That, if any real or personal estate of any person shall be seized or levied on, or sold by virtue of any *fieri facias*, or other process, for the enforcement or satisfaction of any judgment or decree obtained in any federal court for duties claimed under the acts of Congress so annulled as aforesaid, such seizure, levy, or sale shall be held and regarded in the courts of this State as illegal, and such sale shall in no wise divest, or in any manner impair the title of the defendant in such suit or action to the property thus sold.

Sec. 8. *Be it further enacted*, That if any clerk, commissioner, master, or register, shall furnish a record, or a copy of a record, in his office, of any case in law or equity, wherein is drawn in question the authority of said ordinance, or the validity of the acts of the Legislature passed to give effect thereto, or the validity of the said acts of Congress, or permit or allow any such record, or copy of such record, to be taken for any purpose, he shall be guilty of a misdemeanor, and, upon conviction thereof, be punished by fine not exceeding one thousand, nor less than one hundred dollars, and by imprisonment not exceeding one year, nor less than one month.

Sec. 9. *Be it further enacted*, That, if any person shall disobey, obstruct, or resist any process granted or allowed by this act, or shall eloign, secrete, or wilfully remove any goods, wares, or merchandise, or do any other act, so as to prevent the same from being replevied according to the provisions of the first section of this act, such person, his aiders and abettors, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding five thousand dollars, nor less than one thousand dollars, and be imprisoned for a term not exceeding two years, nor less than six months, besides being liable to indictment or other proceeding allowed by law for any other offence involved in the commission of said misdemeanor.

Sec. 10. *Be it further enacted*, That, should any person, after the delivery of any goods by the sheriff to the plaintiff in replevin, as herein provided, recapture or seize, or attempt to recapture or seize, the same, under pretence of securing the duties imposed by any of the several acts of Congress aforesaid, or for the non-payment of any such duties, or under any process, order, or decree, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid, such person, his aiders or abettors, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding ten thousand, nor less than three thousand dollars, and imprisoned for a term not exceeding two years, nor less than one year, besides being liable to indictment or other proceeding allowed by law for any other offence involved in the commission of said misdemeanor.

Sec. 11. *And be it further enacted*, That, if any of the keepers of the public jails in this State shall receive and detain any person arrested or committed by virtue of any order, process, or other judicial proceedings made, had,

or issued, to enforce the payment or collection of any of the duties imposed by, or claimed under the said acts of Congress, annulled by the ordinance aforesaid, or on any other proceedings contrary to the true intent and meaning of the said ordinance, such keeper shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned for a term not exceeding one year, nor less than one month, and fined in a sum not exceeding one thousand dollars, nor less than one hundred dollars, and shall also be liable to the person aggrieved in an action of trespass.

Sec. 12. *And be it further enacted*, That if any person or persons shall, knowingly, let, or hire, or use, or permit to be used, any place, house, or building, to serve as a jail, for the detention or confinement of any person arrested or committed by virtue of any order, process, or other judicial proceedings, made, had, or issued, to enforce the payment or collection of any duties imposed by the said acts of Congress annulled by the ordinance aforesaid, or upon any other proceedings contrary to the true intent and meaning of the said ordinance, he or they shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned for a term not exceeding one year, nor less than one month, and fined in a sum not exceeding one thousand dollars, nor less than one hundred dollars.

Sec. 13. *Be it further enacted*, That no indictment under this act shall be subject to traverse.

Sec. 14. *Be it further enacted*, That the fines collected under this act shall be paid into the public treasury.

Sec. 15. *Be it further enacted*, That, on the trial of any suit or action in which shall be in question the ordinance aforesaid, or this act, the same may be given in evidence without being specially pleaded.

Sec. 16. *Be it further enacted*, That this act shall commence and be of force from and after the first of February next.

A BILL TO CARRY THE ORDINANCE INTO EFFECT.

A bill to provide for the security and protection of the State of South Carolina.

Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That in case the Government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress, declared and ordained to be null, void, and no law, in a convention of the people of the State of South Carolina, on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, to resist the enforcement of an ordinance adopted by the convention aforesaid, or the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the Governor is hereby authorized and empowered to resist the same; and, in order to render such resistance effectual, he is hereby authorized and empowered to order into service the whole military force of this State, or so much thereof as he may, from time to time, deem necessary and proper.

Sec. 2. In case of any overt act of coercion, or an intention on the part of the Government of the United States, or any officer thereof, to commit such an act, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating the probability that armed force is about to be employed against this State, or in resistance to its laws, the Governor be, and he is hereby, authorized to call into the service of this State, from time to time, such portions of militia as may be required to meet the emergency.

Sec. 3. Each company of infantry called into the service shall consist of sixty privates, four sergeants, and four corporals; to be officered by one captain, one first and second lieutenant, and one ensign; and each company of light infantry or riflemen shall consist of not less than forty privates, and the requisite number of non-commissioned and commissioned officers. Each company to choose its own officers.

Sec. 4. Each regiment of infantry called into service as aforesaid, shall consist of eight companies of infantry and two companies of light infantry, or riflemen, to be commanded by one colonel, one lieutenant colonel, and one major, to be selected, by the commander in chief, from amongst the officers of their respective grades in commission at the time, in the brigade or division out of which such regiment shall be raised; and each colonel commanding a regiment of volunteers or militia, shall appoint his regimental staff, subject to the approval of the brigadier general.

Sec. 5. That the Governor be authorized, out of the several brigades or divisions of the State, to permit volunteer companies, troops, battalions, squadrons, and regiments of infantry, artillery, cavalry, light infantry, and riflemen to be raised, and he is hereby authorized to accept the services of volunteers, whether by files, companies, or otherwise; and it shall be his duty, whenever, in his opinion, the public interest shall require it, to cause such volunteers to be organized into companies, troops, battalions, squadrons, or regiments, as the case may be, and he may form the same into brigades and divisions; provided no troop or company shall consist of less than forty or more than one hundred rank and file, with the proper complement of non-commissioned and commissioned officers required by law; the field and general officers to be selected by the Governor, from amongst the officers of their respective grades in the brigade or division out of which such regiment or brigade shall be raised; and where any officer already in commission shall accept a command in any such volunteer corps, he may retain both commissions, and, at the end of his term of service as a volunteer, shall be at liberty to resume his rank and command, provided that every volunteer company, troop, battalion, squadron, or regiment, which shall offer its services as a whole, shall be so received, and permitted to retain its own officers.

Sec. 6. The officers, non-commissioned officers, and privates, of every volunteer company, troop, battalion, squadron, or regiment, which may be raised, or whose services may be accepted as aforesaid, shall not be called upon to do militia duty in any other corps, but shall be liable to perform, in their respective volunteer companies, all the duties now required, or which may hereafter be required, of the militia by law; and the officers of such volunteer corps shall, when acting in conjunction with other corps, take rank according to the date of their respective commissions.

Sec. 7. That the volunteers which shall be raised, or whose service shall be accepted as aforesaid, or any portion thereof, may be called out by the Governor, in any of the cases above mentioned, or other emergency, in which he is authorized, by law, to call out the militia; and the term of service of the said volunteers, as well as the other militia corps, shall be six months from the day of their being mustered into service, unless sooner discharged; and all free white men, between the ages of sixteen and sixty, may be accepted as volunteers; and all between the ages of sixteen and fifty shall be liable to be called out as is herein before provided for.

Sec. 8. Whenever any portion of the volunteers or militia aforesaid shall be required for actual service, they shall, in every respect, be subject to the provisions contained in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh sections of the act of

the General Assembly, ratified on the 24th day of September, 1818, entitled "An act to alter and amend the militia laws of this State."

Sec. 9. *And be it further enacted*, That the Governor be, and he is hereby, authorized to order out any portion of the volunteers and militia of this State for review, inspection, and military instruction, as often as, in his opinion, the public service may require, provided that, when so ordered out, they shall not be kept longer in the field than twelve hours at any one time; and every officer, non-commissioned officer, and private, shall be liable to the same fines and other penalties, for non-attendance, or disobedience of orders while under arms, as are now imposed by law for non-attendance or disobedience of orders at regimental musters: the same to be imposed, collected, and appropriated, as now provided for by law in relation to regimental musters.

Sec. 10. The Governor is hereby authorized and empowered to purchase, for the use of the State, as he may judge necessary, from time to time, ten thousand stand of small arms, and the necessary accoutrements; the requisite quantity of cannon ball, powder, lead, and other munitions; such ordnance as he may deem advisable, and to repair and mount such ordnance now belonging to the State as may be worth the expense. The Governor be, and he is hereby, authorized to appoint, from time to time, such assistant staff officers of the grades now established by law, as may be necessary for the purpose of carrying this act into complete effect; and he is also authorized to appoint additional aids-de-camp, whenever, in his opinion, the public service may require it: provided that such appointments shall not continue in force longer than two years after the passage of this act.

Sec. 11. *Be it further enacted*, That all the power herein conferred upon the Governor in relation to the acceptance of volunteers, and the calling out the militia, shall be held and taken to be applicable to all cases of insurrection or invasion, or imminent danger thereof, and in cases where the laws of the State shall be opposed, and the execution thereof forcibly obstructed by combinations too powerful to be suppressed by the power vested in the sheriffs or other civil officers of the State, who may be charged with the execution of the said laws; and it is hereby declared to be the duty of the Governor, in every such case, to call forth such portions of the militia and volunteers aforesaid, as may be necessary promptly to suppress such combinations, and to cause the laws of the State to be duly executed.

Sec. 12. And if any person or persons whosoever shall be sued, impleaded, molested, or prosecuted, for any matter, cause, or thing, done or executed, or caused to be done or executed, by virtue of, or in pursuance of this act, and all and every person and persons who shall or may by the commands, or in aid of, or assistance of any person, who shall do or execute, or cause to be done or executed, any matter or thing, by virtue of, or in pursuance of the direction of this act, and may plead the general issue, and give this act an especial matter in evidence, in case the plaintiff should suffer a discontinuance, enter a *nolle prosequi*, suffer a nonsuit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, his full double costs and suit.

Sec. 13. *And be it further enacted*, That the laws now of force, prohibiting the reduction of beat companies below the number of thirty, or the raising a greater portion of certain descriptions of troops than are now authorized within the limits of each military division, be, and the same are hereby, suspended, so far as the operation of this act is concerned: and this act shall continue in force, unless sooner repealed, for two years from the passage thereof, and no longer.

No. 9.

TEST OATH ACT.

An act concerning the oath required by the ordinance passed in convention at Columbia, the twenty-fourth day of November, one thousand eight hundred and thirty-two.

Whereas, by the ordinance passed in convention of this State, at Columbia, on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, it is ordained that all persons holding any office of honor, profit, or trust, civil or military, under this State, (members of the Legislature excepted,) shall, within such time, and in such manner as the Legislature shall prescribe, take an oath well and truly to obey, execute, and enforce the said ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and, on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead, or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military, (members of the Legislature excepted,) shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, take a similar oath:

Be it therefore enacted by the Senate and House of Representatives, and by the authority of the same, That the form of said oath should be as follows:

I do solemnly swear, or affirm, that I will well and truly obey, execute, and enforce the ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts upon the importation of foreign commodities, passed in convention of this State, at Columbia, on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, and all such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same. So help me God.

Sec. 2. *And be it further enacted*, That the said oath may be administered by any person authorized by law to administer an oath, and likewise by military officers to those under their command, and the administration thereof shall be authenticated by the signature of the person administering, and the person taking the same. In cases of military officers, a certificate of the oath so authenticated shall be endorsed on their commissions; and in cases of civil officers, the person administering said oath shall make a certificate, showing the name, residence, and office of the officer taking said oath, with the date when administered; in the case of a civil officer, whose duties are confined to a single district, the certificate shall be lodged in the office of the clerk of the court of common pleas, or commissioner in equity, for the district in which the officer resides; and in all other cases the certificate shall be lodged in the office of the Secretary of State.

Sec. 3. *And be it further enacted*, That every judge of the court of appeals, judge of the circuit court, chancellor, and recorder of the city court of Charleston, now in office, shall take the said oath at or before the time when he shall sit in judgment upon any case or matter, civil or criminal, at chambers or in open court, in which shall be question, directly or indirectly, the aforesaid ordinance, or any act or acts of the Legislature that may be passed in pursuance thereof; and every civil officer who held his office at the passing of the said ordinance shall take the said oath before or at the time, when, in the execution of his office, he may be required to perform any duty consequent upon, or in any wise connected with the said ordinance, or any act of the Legislature passed in pursuance thereof, except the administering of an oath, or filing a certificate under this act.

Sec. 4. *And be it further enacted*, That every military officer who held his office at the passage of the said ordinance, shall take the said oath before or at the time when he shall be called into service under any act of the Legislature passed in pursuance of said ordinance, or for carrying the same into effect.

Sec. 5. *And be it further enacted*, That the Governor may, whenever, in his opinion, the public interests demand it, by proclamation, require all or any particular officers, civil or military, within the State, or within any particular district thereof, to take the said oath within not less than one week from the publication of the proclamation in the district in which such officer may be; and such officer shall take the oath within the time required by the said proclamation, and on refusal, neglect, or omission to do so by any such officer, his office shall be vacated.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the independence of the United States of America.

HENRY DEAS,
President of the Senate.
HENRY L. PINCKNEY,
Speaker of the House of Representatives.

No. 10.

PRESIDENT'S PROCLAMATION.

Proclamation by Andrew Jackson, President of the United States.

Whereas a convention assembled in the State of South Carolina have passed an ordinance, by which they declare "that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that State, or its officers: and by the said ordinance, it is further declared to be unlawful for any of the constituted authorities of the State or of the United States to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the Legislature to pass such laws as may be necessary to give full effect to the said ordinance:

And whereas, by the said ordinance, it is further ordained, that in no case of law or equity decided in the courts of said State, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the Legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for a contempt of court:

And, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act, by Congress, abolishing or closing the ports of the said State, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do:

And whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the Union—that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations: To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, stating my views of the constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be, invested, for preserving the peace of the Union, and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that any thing will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the constitution; that the true construction of that instrument permits a State to retain its place in the Union, and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law, it must be palpably contrary to the constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For as, by the theory, there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this

subject is superfluous, when our social compact, in express terms, declares that the laws of the United States, its constitution, and treaties made under it, are the supreme law of the land; and, for greater caution, adds "that the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." And it may be asserted without fear of refutation, that no federative Government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected any where; for all imposts must be equal. It is no answer to repeat, that an unconstitutional law is no law, so long as the question of its legality is to be decided by the State itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately none of those States discovered that they had the right now claimed by South Carolina. The war, into which we were forced to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure, had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the Legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and, before the declaration of independence, we were known in our aggregate character as the United Colonies of America. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our confederation were reduced to form, it was in that of a solemn league of several States, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that Union is found an article which declares that "every State shall abide by the determinations of Congress on all questions which, by that confederation, should be submitted to them."

Under the confederation, then, no State could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home, nor consideration abroad. This state of things could not be endured, and our present happy constitution was formed, but formed in vain, if this fatal doctrine prevail. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is, "to form a more perfect Union." Now, is it possible that even if there were no express provision giving supremacy to the constitution and laws of the United States over those of the States—can it be conceived that an instrument made for the purpose of "forming a more perfect Union" than that of the confederation, could be so constructed by the assembled wisdom of our country, as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes, as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the Government; and, finally, that the proceeds are to be applied to objects unauthorized by the constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union, if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the constitution to lay and collect imposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void: for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed—in how many cases are they concealed by false professions—in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any State for that cause,

then, indeed, is the federal constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union. We have received it as the work of the assembled wisdom of the nation. We have trusted to it as to the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy, contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing, a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was entrusted? Did the name of Washington sanction, did the States deliberately ratify such an anomaly in the history of fundamental legislation? No. We were not mistaken. The letter of this great instrument is free from this radical fault: its language directly contradicts the imputation: its spirit, its evident intent, contradicts it. No, we did not err! Our constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages whose memory will always be reverenced, have given us a practical, and, as they hoped, a permanent constitutional compact. The father of his country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by implication. Search the debates in all their conventions, examine the speeches of the most zealous opposers of federal authority, look at the amendments that were proposed, they are all silent; not a syllable uttered, not a vote given, not a motion made, to correct the explicit supremacy given to the laws of the Union over those of the States, or to show that implication, as is now contended, could defeat it. No, we have not erred! The constitution is still the object of our reverence, the bond of our Union, our defence in danger, the source of our prosperity in peace: it shall descend as we have received it, uncorrupted by sophistical construction, to our posterity, and the sacrifices of local interest, of State prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws, are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed.

The constitution has given, expressly, to Congress the right of raising revenue, and of determining the sum the public exigencies will require. The States have no control over the exercise of this right, other than that which results from the power of changing the representatives who abuse it, and thus procure redress. Congress may, undoubtedly, abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The constitution has given it to the representatives of all the people, checked by the representatives of the States, and by the Executive power. The South Carolina construction gives it to the Legislature or the convention of a single State, where neither the people of the different States, nor the States in their separate capacity, nor the Chief Magistrate elected by the people, have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition; that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the States, or would you sanction the wise provisions already made by your constitution? If this should be the result of your deliberations when providing for the future, are you, can you be ready to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the States, and that we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the law so applying the proceeds, but surely cannot be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens; judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness: and even if you should come to this conclusion, how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each State has a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and the General Government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution; that those laws and that constitution shall be the "supreme law of the land; and that the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." In vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! Ineffectual restrictions! Vile profanation of oaths! Miserable mockery of legislation! If a bare majority of the voters in any one State may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation—say here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed—there it taxes those that ought to be free; in this case the proceeds are intended to be applied to purposes which we do not approve—in that the amount raised is more than is wanted.

Congress, it is true, are invested by the constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the States, and of all the people of all the States; but we, part of the people of one State, to whom the constitution has given no power on the subject, from whom it has expressly taken it away; we who have solemnly agreed that this constitution shall be our law;

we, most of whom have sworn to support it; we now abrogate this law, and swear, and force others to swear, that it shall not be obeyed. And we do this, not because Congress have no right to pass such laws; this we do not allege, but because they have passed them with improper views. They are unconstitutional, from the motives of those who passed them, which we can never, with certainty, know—from their unequal operation, although it is impossible, from the nature of things, that they should be equal; and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the constitution, and treaties, shall be paramount to the State constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States, by appeal, when a State tribunal shall decide against this provision of the constitution. The ordinance declares there shall be no appeal; makes the State law paramount to the constitution and laws of the United States; forces judges and jurors to swear that they will disregard their provisions; and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States, or of that State, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings, the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the constitution, which, they say, is a compact between sovereign States, who have preserved their whole sovereignty, and, therefore, are subject to no superior; that, because they made the compact, they can break it when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

The people of the United States formed the constitution, acting through the State Legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions: but the terms used in its construction show it to be a Government in which the people of all the States collectively are represented. We are one people in the choice of the President and Vice President. Here the States have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the Executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State, nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The constitution of the United States then forms a Government, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a Government in which all the people are represented, which operates directly on the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connexion with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms; and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it: but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt: if it have a sanction, then the breach ensures the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A Government, on the contrary, always has a sanction, express or implied; and, in our case, it is both necessarily implied and expressly given. An attempt, by force of arms, to destroy a Government, is an offence by whatever means the constitutional compact may have been formed, and such Government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and, under this grant, provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add any thing to show the nature of that union which connects us; but, as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from viola-

tion; but equal care must be taken to prevent, on their part, an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It treats, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed, in this sovereign capacity, a compact which is called the constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that, in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States: they became American citizens, and owed obedience to the constitution of the United States, and to laws made in conformity with the powers it vested in Congress. This last position has not been, and cannot be denied. How then can that State be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason, not treason against their separate power, but treason against the United States. Treason is an offence against sovereignty, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have, for their common interest, made the General Government the depository of these powers.

The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal Government we had no separate character: our opposition to its oppressions began as United Colonies. We were the United States under the confederation, and the name was perpetuated, and the Union rendered more perfect, by the federal constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs that under all changes of our position we had, for designated purposes and defined powers, created National Governments; how is it, that the most perfect of those several modes of union should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say our constitution was only a league, but it is labored to prove it a compact, (which in one sense it is,) and then to argue that as a league is a compact, every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to secede. But it has been shown that, in this sense, the States are not sovereign, and that even if they were, and the national constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States, who magnanimously surrendered their title to the territories of the West, recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one State, and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils, contrary to the engagements solemnly made. Every one must see that the other States, in self-defence, must oppose it at all hazards.

These are the alternatives that are presented by the convention: a repeal of all the acts for raising revenue, leaving the Government without the means of support, or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known, if force was applied to oppose the execution of the laws, that it must be repelled by force; that Congress could not, without involving itself in disgrace, and the country in ruin, accede to the proposition: and yet, if this is not done in a given day, or if any attempt is made to execute the laws, the State is, by the ordinance, declared to be out of the Union. The majority of a convention assembled for the purpose, have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the Governor of the State speaks of the submission of their grievances to a convention of all the States, which, he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a general convention to the other States; and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that, "on a review by Congress and the functionaries of the General Government, of the merits of the controversy," such a convention will be accorded to them, must have known that neither Congress, nor any functionary of the General Government, has authority to call such a convention, unless it be demanded by two-thirds of the States. This suggestion, then, is another instance of the reckless inattention to the provisions of the constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the Legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the constitution points out? The assertion that they "earnestly seek it," is completely negatived by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The Governor of that State has recommended to the Legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended; and it is the intent of this instrument to proclaim, not only that the duty imposed upon me by the constitution "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me

by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose, but to warn the citizens of South Carolina who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the constitution and laws of their country; and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow-citizens of my native State, let me not only admonish you, as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves, or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand! First, a diminution of the value of your staple commodity, lowered by over production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the tariff laws.

The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the oppositions our fathers offered to the oppressive laws of Great Britain. You were told this opposition might be peaceably, might be constitutionally made; that you might enjoy all the advantages of the Union, and bear none of its burdens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask, which concealed the hideous features of disunion, should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horror. Look back to the arts which have brought you to this state; look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive; it was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law, and its oppressive effects. Mark, my fellow-citizens, that, by the admission of your leaders, the unconstitutionality must be palpable, or it will not justify either resistance or nullification! What is the meaning of the word palpable, in the sense in which it is here used? That which is apparent to every one; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence, and endeavoring to mislead you now. In either case they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty emulating the fame of our revolutionary fathers; nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage.

You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that, too, on some articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burdens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part. Consider its Government, uniting in one bond of common interest and general protection so many different States, giving to all their inhabitants the proud title of American citizens, protecting their commerce, securing their literature and their arts; facilitating their intercommunication; defending their frontiers; and making their name respected in the remotest parts of the earth. Consider the extent of its territory; its increasing and happy population; its advance in arts, which render life agreeable; and the sciences, which elevate the mind! See education spreading the lights of religion, morality, and general information into every cottage in this wide extent of our Territories and States! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honor, and say—we, too, are citizens of America! Carolina is one of these proud States: her arms have defended, her best blood has cemented this happy Union! And then add, if you can, without horror and remorse, this happy Union we will dissolve; this picture of peace and prosperity we will deface; this free intercourse we will interrupt; these fertile fields we will deluge with blood; the protection of that glorious flag we renounce; the very name of Americans we discard. And for what, mistaken men, for what do you throw away these inestimable blessings? For what would you exchange your share in the advantages and honor of the Union? For the dream of separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on a foreign Power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution, or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution, deceived you; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know

that such opposition must be repelled. Their object is disunion: but be not deceived by names: disunion, by armed force, is treason. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences: on their heads be the dishonor, but on yours may fall the punishment: on your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims. Its First Magistrate cannot, if he would, avoid the performance of his duty: the consequence must be fearful for you, distressing to your fellow-citizens here, and to the friends of good Government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal: it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which so many of them fought, and bled, and died.

I adjure you, as you honor their memory; as you love the cause of freedom, to which they dedicated their lives; as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention; bid its members to reassemble, and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor. Tell them that, compared to disunion, all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the constitution of your country. Its destroyers you cannot be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability, but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who caused the disorder.

Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those, once respected, by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs, on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free Governments, may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and, as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our Government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties, which has been expressed, I rely, with equal confidence, on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate, but firm measures, the necessity of a recourse to force; and, if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow citizens: The momentous case is before you. On your undivided support of your Government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessings it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the great Ruler of nations grant that the signal blessings with which He has favored ours, may not, by the madness of party or personal ambition, be disregarded and lost; and may His wise providence bring those who have produced this crisis, to see their folly before they feel the misery of civil strife, and inspire a returning veneration for that Union, which, if we may dare to penetrate His designs, He has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this 10th day of December, in the year of our Lord one thousand eight hundred and thirty-two, and of the independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President:

EDW. LIVINGSTON, *Secretary of State.*

No. 11.

INSTRUCTIONS TO THE COLLECTOR.

[Confidential.]

TREASURY DEPARTMENT,

November 6, 1832.

SIR: The act of the Legislature of South Carolina, passed at their recent special session, and the anticipation of measures which may be apprehended from the convention called by that act, for the avowed purpose of opposing and preventing the execution of the laws of the United States imposing duties on foreign goods, wares, and merchandise, make it proper immediately to draw your attention to the subject, and especially to some of the provisions of the existing acts of Congress for the collection and security of the revenue.

It is difficult, and indeed impossible, to foresee in detail the precise measures which may be adopted by the convention; and the instructions now given must be more or less hypothetical, and the particular acts you may be called, in the discharge of your duty, to perform, must be, in a great degree, regulated by the character of the emergency, as it may arise. It is sufficiently obvious, however, that all the means which ingenuity can devise, will be adopted to elude, or render null and inoperative, within the State of South Carolina, the laws of the Union imposing duties on foreign merchandise, and that a corresponding energy and vigilance in the performance of their duties will be required from those charged with the execution.

You will require no observation from me to impress you with the delicacy and importance of the crisis in which you may soon be called to act, or with the indispensable necessity of unshrinking firmness and fidelity in the discharge of your duties. The crisis may involve no less than the safety of our inestimable Union; and the self-approbation and public gratitude attendant upon all honorable exertions for the preservation of that precious palladium of our happiness, will ensure, on your part, all that the Government can expect.

It is greatly to be apprehended that the measures of the convention may be such as not to be effectually counteracted without further legislation on the part of Congress,

which, of course, cannot be had in season for a prompt application of the remedy which their wisdom may devise; but I entertain a confident hope, that with a vigilant, faithful, and fearless exercise of the authority conferred by the existing laws, aided by the moral support of the patriotic and unprejudiced portion of the community, much of the meditated evil may be for the present averted, if not altogether prevented.

Without a better knowledge than can now be had of the means of resistance to which the convention may resort, it is supposed that authority sufficient, for the present, is conferred by the constitution, which makes it the duty of the President to execute the laws; by the act vesting in the Department of the Treasury the special power to superintend the collection of the revenue, which may fairly be supposed to give all power not contrary to the laws, and necessary to their execution; and by the several provisions of the act entitled "An act to regulate the collection of duties on imports and tonnage," passed the 2d of March, 1799, to which last act it is my intention at present to request your particular attention.

It will be perceived by the 13th section of that act, that each of the collection districts, established in South Carolina, and the whole and every part of each district, is constituted a port of entry; and though the collector, naval officer, and surveyor, are directed to reside at Charleston, and a collector at each of the other ports, it cannot be questioned that a vessel may lawfully discharge her cargo, and, if directed, make entry at any other point within the port of entry; and it appears also certain, that whenever, from physical or moral necessity, the laws shall be suspended at the residence of the collector, and he be prevented, by a superior and unlawful force, from the exercise of his authority at the usual place, it may be competent to place his officers to receive and compel the legal entry at some other safe and convenient place within the port of entry, as described by law.

You are already aware that, by the provisions of the same act, no goods, wares, or merchandise, can be "brought into the United States" from any foreign port or place, in any ship or vessel, without having on board a proper manifest; that, within twenty-four hours after the arrival of any ship or vessel from any foreign port or place at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, the master must repair to the custom-house, and make report of her arrival, and, within forty-eight hours after such arrival, he must make further report in writing, accompanied by his manifest; and that, within fifteen days (and by the act of the 3d March, 1821, in case of vessels of more than three hundred tons, within twenty days) after such report by the master, the owner, or consignee of the merchandise on board, must make entry thereof, in writing, with the said collector; and that, in default thereof, the collector is authorized to take possession of said goods, wares, and merchandise, in the manner particularly described in the 56th section. At the time of making an entry, the tonnage duties (if any) must be paid; and previously thereto, the register, or other document in lieu thereof, together with the clearance and other papers, must be produced to the collector, and must remain in his office until returned to the master, or the clearance of the vessel for another port; which clearance cannot be granted, and consequently the delivery of the papers cannot be made, until all the formalities in regard to the vessel on her arrival shall have been complied with, and (by the 93d section) until receipts for all the legal fees which shall have accrued on the vessel shall have been produced to the collector. By the 29th section, a vessel which shall have arrived from a foreign port, and shall attempt to depart without having been reported, or entered by the master, is liable to be arrested and brought back by the officers of the customs. The entry of the merchandise by the owner or consignee, already adverted to, consists, besides the other proceedings and formalities particularly required, in paying or securing, according to law, the duties which shall be ascertained by the collector and naval officer. Where the duties are to be secured, it is by bond or bonds, which shall include one or more securities, to the satisfaction of the collector, who should be satisfied not merely of the solvency of the security, but of his sufficiency in other respects, and would not be expected or authorized to accept as surety any individual who should be understood to have formed a determination not to pay the bond, or comply with his obligation.

You will perceive, moreover, by the 50th section of the act, no goods, wares, or merchandise, brought in any ship or vessel from any foreign port or place, shall be unladen or delivered but in open day, except by special license, nor at any time without a permit from the collector, under severe penalties, including the forfeiture of the goods; and by the 62d section, no permit shall be granted for landing the same, until all duties thereon shall have been paid, or secured to be paid, according to law.

By the 53d section, the collector of any district at which any ship or vessel may arrive, and immediately on her first coming within such district, is directed to put and keep on board such ship or vessel, whilst remaining in the district, or in going from one district to another, one or more inspectors to examine the cargo, and superintend the delivery thereof, and to perform such other duties according to law, as they shall be directed by the collector to perform for the better securing the collection of the duties; and it is expressly made the duty of the said inspectors to suffer no goods, wares, or merchandise, of any nature or kind whatever, to be landed from such ship or vessel without a permit in writing from the collector of the port, and naval officer, where any, first had and granted for that purpose.

It may be proper, also, to observe, that, after twenty-four hours from the time of her arrival, a vessel cannot proceed from one port to another without a clearance in the manner particularly pointed out. By the 21st section of the act referred to, and by the 2d section of the act of the same date, "establishing the compensation of the officers employed in the collection of the duties on imports and tonnage," the collectors are authorized to employ, with the approbation of the Secretary of the Treasury, such inspectors as the public service may require; and by the 97th, 98th, 99th, 100th, and 101st sections of the act first referred to, ample authority is given to provide the requisite number of cutters and boats for the better securing the collection of the duties. The officers of such boats are subjected to the direction of the collectors, and are, moreover, empowered and directed to go on board all ships and vessels which shall arrive within the United States, or four leagues of the coast thereof, if bound to the United States; and, among other duties, to affix and put proper fastenings on the hatches and other communications with the hold, and to remain on board the said vessels until their arrival at the port of their destination. They are likewise to execute and perform such other duties for the collection and security of the revenue, as, from time to time, shall be enjoined and directed by the Secretary of the Treasury, not contrary to law and the provisions of said act; and they are further authorized to fire at or into any vessel liable to examination, which shall not bring to, on being required or chased by any cutter or boat, as described in the 102d section.

Neither the validity of these provisions of the act of the 2d March, 1799, to which I have adverted thus particularly, that the further observations which my duty requires me to make may be more intelligible, nor of the act itself, has ever heretofore been questioned; and it is not altogether clear that the purposes of the convention, to as-

semble in South Carolina, as defined by the recent act of the Legislature of that State, would extend to acts of a collector merely in execution of these provisions. However this may be, they are now, and always have been, applicable to every district and every part of the Union; they are now, and uniformly have been, in daily and strict observance in each of them; they are not merely of universal application every where, but embrace almost every imaginable case; and if, as has been sometimes publicly professed, the meditated resistance to the laws of the Union is to assume the form of legal redress, and avoid a resort to open force or violence, it is believed they will be found, when properly enforced, to be fully equal to every emergency likely to arise.

In this view, it is presumed, your own official conduct has been, and is now, in strict conformity with the provisions of the act of 1799, and that, in observing these instructions, you will be merely executing your duties with, perhaps, greater vigilance than ordinary, and adapting existing regulations, of daily use and application, to new circumstances of greater emergency, as they may arise. It is the more important that you should keep this view of the subject constantly in mind, as it is the wish of the President, and of this department, to take no step, nor employ any means calculated to provoke or excite to force those who are now threatening resistance, but to defeat their operations by the moral force of the laws and the constitution, and to execute the former in the manner therein prescribed, and to employ force only when it shall be clearly authorized, and be found unavoidable in the discharge of your duty, and indispensably necessary to resist its employment by those who shall have resorted to it for the subversion of the laws.

It may be sufficient, therefore, in the first place, to call your particular attention to legal provisions already adverted to, and to the duties which they enjoin; and to direct that, in every case to which they are applicable, you will conform to their provisions by all the means which they place in your power.

But as there are some contingencies inseparable from the measures of the convention about to assemble, which cannot be overlooked, it is proper that, in regard to these, you should be now advised.

Upon the supposition, therefore, that the measures of the convention, or the acts of the Legislature, may consist, in part, at least, in declaring the laws of the United States imposing duties unconstitutional, and null and void, and in forbidding their execution, and the collection of the duties within the State of South Carolina, you will, immediately after it shall be formally announced, resort to all the means provided by the laws, and particularly by the act of the 2d of March, 1799, to counteract the measures which may be adopted to give effect to that declaration.

For this purpose, you will consider yourself authorized to employ the revenue cutters which may be within your district, and provide as many boats, and employ as many inspectors, as may be necessary for the execution of the law, and for the purposes of the act already referred to. You will, moreover, cause a sufficient number of officers of cutters and inspectors to be placed on board, and in charge of every vessel arriving from a foreign port or place, with goods, wares, or merchandise, as soon as practicable after her first coming within your district, and direct them to anchor her in some safe place within the harbor, where she may be secure from any act of violence, and from any unauthorized attempt to discharge her cargo before a compliance with the laws; and they will remain on board of her at such place until the reports and entries required by law shall be made, both of vessel and cargo, and the duties paid, or secured to be paid, to your satisfaction, and until the regular permit shall be granted for landing the cargo: and it will be your duty, against any forcible attempt, to retain and defend the custody of the said vessel, by the aid of the officers of the customs, inspectors, and officers of the cutters, until the requisitions of the law shall be fully complied with; and in case of any attempt to remove her or her cargo from the custody of the officers of the customs by the form of legal process from State tribunals, you will not yield the custody to such attempt, but will consult the law officer of the district, and employ such means as, under the particular circumstances, you may legally do, to resist such process, and prevent the removal of the vessel and cargo.

Should the entry of such vessel and cargo not be completed, and the duties paid, or secured to be paid, by bond or bonds with sureties to your satisfaction, within the time limited by law, you will, at the expiration of that time, take possession of the cargo, and land and store the same at Castle Pinckney, or some other safe place, and in due time, if the duties are not paid, sell the same, according to the direction of the 56th section of the act of the 2d of March, 1799; and you are authorized to provide such stores as may be necessary for that purpose.

It may be hoped that the foregoing precaution, and the prompt prosecution, in all cases, of those who may violate the law, or resist the officers of the customs in its execution, will be sufficient for the present; and as long as you may find it practicable to perform your official duties, and as long as the rights of your person, and those of the other officers of your district, shall be secure, and property respected, the custom-house may be continued at Charleston. But, should the measures of the convention, or those of the Legislature, expose your person, or the persons of the other officers, to outrage, or to arrest and imprisonment, and by force or other necessity render the execution of the laws of the United States impracticable, you may remove the custom-house to Castle Pinckney, or to some other secure place within the port of entry, where you may take and receive the entries of vessels and their cargoes, and perform other duties necessary by law to be performed at the custom-house.

You will, moreover, cause the officers of the cutters under your direction to board all vessels departing from the port of Charleston; and, in case any shall be found without having been regularly entered and cleared in the manner required by law, to seize and detain the same, to be prosecuted according to law.

It will be proper, in every case of doubt and difficulty, to consult the law officer of the district, and, on all occasions where these instructions do not afford an adequate guide, to follow his advice.

It is expected that you will promptly inform the department of any difficulty that may occur in your district, and keep it regularly advised of all the measures that may be adopted by any person or persons for obstructing the execution of the laws, and also of the means which you may deem it your duty to adopt, and that, in every case of importance, where the time will admit of it, you will, previously to taking any unusual or important step on your part, apply to the department for further instructions. For this purpose, you are authorized to despatch a special messenger, whenever, in your opinion, it may be necessary, either for safety or expedition.

To enable you to execute the laws, and to fulfil these instructions, the revenue cutter Alert has been ordered to proceed to Charleston. On her arrival, there will be two cutters on that station, and you will place them where you may think best.

You will treat these instructions as confidential, until it shall become necessary to act; but, in the mean time, you will exhibit them confidentially to the district attorney, naval officer, and surveyor, that you may have the benefit of their counsels, and that you may all be better prepared to act together when occasion shall require. I am, &c.,

L. M'LANE, *Sec'y Treasury.*

To James K. Pringle, Esq., *Collector of Customs.*

["Similar letters were addressed to the collector at Georgetown, and the collector at Beaufort, differing only in the following particulars, viz. the reference to Castle Pinckney was omitted, and, in lieu of the last two paragraphs, the following was substituted:

"To enable you the better to execute the laws, and fulfil these instructions, a revenue cutter will be placed under your direction, and you will assign her to such station, and give such instructions from time to time to her commander, as you may deem best adapted to those objects. The cutter for your district will be despatched in a few days.

"You will treat these instructions as confidential until it shall become time to act."]

No. 12.

LETTER TO THE DISTRICT ATTORNEY.

[Extract.]—Confidential.

TREASURY DEPARTMENT, *November* 19, 1832.

SIR: Your letter of the 10th instant was duly received on the 17th instant; but the pressure of business requiring attention, after an absence of a few days from the city, has prevented a reply until now.

The time fixed for the meeting of the convention in South Carolina having actually arrived, renders it unadvisable for you to leave the scene of your official duties. And, indeed, the time that a journey to Washington would occupy, may, at present, perhaps, be better employed in the consultations and investigations which ought to be made preparatory to a proper course of conduct on the part of the officers of the district, in the emergencies that may be expected.

You will, before now, have seen the instructions which have been transmitted to the collector at Charleston, and are thus fully informed of the views of the President and of this department as to the manner in which the occasion is to be met, and as to the means which the law has placed in the hands of its officers for securing the revenue, and enforcing its collection. After examining them, I shall be glad to have your own reflections upon the subject.

As it may be apprehended that, among other measures for defeating the operation of the revenue laws, an attempt will be made to take the goods from the custody of the officers of the customs by process from the State courts, your attention is particularly invited to the course to be pursued in such an event.

In the case of Slocum *vs.* Mayberry, reported in the 2d Wheaton, page 1, the Supreme Court decided that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and that any intervention of a State authority, which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction, is unlawful. It is true that this was a case of a seizure, under the direction of the collector, pursuant to law; but it will be proper to consider whether the principles of the case do not equally apply, whenever a vessel and her cargo may be in the custody of the officers of the customs under the law, and where the preservation of that custody is necessary to the execution of the laws of the United States. By the 53d section of the act of 1799, the collector is directed to put inspectors on board vessels, who shall suffer no goods, wares, or merchandise, of any nature or kind whatsoever, to be landed or unladen, or otherwise taken or removed from the same, without a permit in writing from the collector of the port, and naval officer thereof, where any, first had and granted for that purpose.

If the principles of the decision in the case of Slocum *vs.* Mayberry apply to the custody of vessels and their cargoes authorized by that act, or if the officers of the customs be deprived of such custody by any means whatever, before a compliance with the law, and the collector should thereafter seize the property for that reason, it would appear to be plain, that, in either event, any attempts to deprive him of the custody, by State authority, would be unlawful.

The means which may be lawfully employed for preserving the custody against such interference, will therefore require immediately your best and most discreet consideration; and, while it is desirable that you should advise none that are not strictly legal, it is expected that you will firmly support the collector by your aid and advice, in doing whatever he may lawfully do to retain the custody of the vessel and cargo until the law is fully complied with.

It is to be hoped that the augmentation of the number of inspectors, by the appointment of discreet and firm men, may prove equal to any emergency that may, for the present, arise; and as the power of the collector to do so is ample, under the instructions already given to him, I have only here to suggest that, in exercising such authority, he should be careful to select individuals of known character and consideration in the community, and in whose probity, firmness, and discretion, the fullest reliance may be placed. This is the more necessary, in order that, while the Government secures the services of men who will not shrink from their duty, and who, from their character, may ensure respect, its officers may avoid provoking unnecessary excitement by the selection of improper agents in the execution of the laws.

You are authorized to exhibit this letter to the collector, and also to General Scott, who, it is understood, will shortly repair to Charleston, for the purpose of superintending the safety of the posts of the United States in that vicinity.

I am, sir, very respectfully, your obedient servant,

LOUIS M'LANE,
Secretary of the Treasury.

ROBERT B. GILCHRIST, Esq.
District Attorney U. S., Charleston.

No. 13.

GOVERNOR HAYNE'S PROCLAMATION.

Whereas the President of the United States hath issued his proclamation concerning an "ordinance of the people of South Carolina to nullify certain acts of the Congress of the United States," laying "duties and imposts for the protection of domestic manufactures:"

And whereas the Legislature of South Carolina, now in session, taking into consideration the matters contained in the said proclamation of the President, have adopted a preamble and resolution to the following effect, viz.

"Whereas the President of the United States has issued his proclamation, denouncing the proceedings of this State, calling upon the citizens thereof to renounce their primary allegiance, and threatening them with military coercion, unwarranted by the constitution, and utterly inconsistent with the existence of a free State: Be it, therefore,

"*Resolved*, That his Excellency the Governor be requested, forthwith, to issue his proclamation, warning the good people of this State against the attempt of the President of the United States to seduce them from their allegiance, exhorting them to disregard his vain menaces, and to be prepared to sustain the dignity, and protect the liberty of the State against the arbitrary measures proposed by the President:"

Now, I, Robert Y. Hayne, Governor of South Carolina, in obedience to the said resolution, do hereby issue this my proclamation, solemnly warning the good people of this State against the dangerous and pernicious doctrine promulgated in the said proclamation of the President, as calculated to mislead their judgments as to the

true character of the Government under which they live, and the paramount obligation which they owe to the State, and manifestly intended to seduce them from their allegiance, and, by drawing them to the support of the violent and unlawful measures contemplated by the President, to involve them in the guilt of rebellion. I would earnestly admonish them to beware of the specious, but false doctrines by which it is now attempted to be shown that the several States have not retained their entire sovereignty; that "the allegiance of their citizens was transferred, in the first instance, to the Government of the United States;" that "a State cannot be said to be sovereign and independent, whose citizens owe obedience to laws not made by it;" that, "even under the royal Government, we had no separate character;" that the constitution has created "a National Government," which is not "a compact between sovereign States;" "that a State has no right to secede:" in a word, that ours is a National Government, in which the people of all the States are represented, and by which we are constituted "one people;" and "that our representatives in Congress are all representatives of the United States, and not of the particular States from which they come;" doctrines which uproot the very foundation of our political system, annihilate the rights of the States, and utterly destroy the liberties of the citizen.

It requires no reasoning to show what the bare statement of these propositions demonstrates, that such a Government as is here described has not a single feature of a confederated republic. It is, in truth, an accurate delineation, drawn with a bold hand, of a great consolidated empire—"one and indivisible;" and, under whatever specious form its powers may be masked, it is, in fact, the worst of all despotisms, in which the spirit of an arbitrary Government is suffered to pervade institutions professing to be free. Such was not the Government for which our fathers fought and bled, and offered up their lives and fortunes as a willing sacrifice. Such was not the Government which the great and patriotic men who called the Union into being, in the plenitude of their wisdoms, framed. Such was not the Government which the fathers of the republican faith, led on by the apostle of American liberty, promulgated, and successfully maintained in 1798, and by which they produced the great political revolution effected at that auspicious era. To a Government based on such principles, South Carolina has not been a voluntary party, and to such a Government she never will give her assent.

The records of our history do, indeed, afford the prototype of these sentiments, which is to be found in the recorded opinion of those who, when the constitution was framed, were in favor of a "firm National Government," in which the States should stand in the same relation to the Union that the colonies did towards the mother country. The journals of the convention, and the secret history of the debates, will show that this party did propose to secure to the Federal Government an absolute supremacy over the States, by giving them a negative upon their laws; but the same history also teaches us that all these propositions were rejected, and a Federal Government was finally established, recognising the sovereignty of the States, and leaving the constitutional compact on the footing of all other compacts, between "parties having no common superior."

It is the natural and necessary consequence of the principles thus authoritatively announced by the President, as constituting the very basis of our political system, that the Federal Government is unlimited and supreme—being the exclusive judge of the extent of its own powers, the laws of Congress, sanctioned by the Executive and the judiciary, whether passed in direct violation of the constitution and rights of the States, or not, are "the supreme law of the land." Hence it is that the President obviously considers the words "made in pursuance of the constitution," as mere surplusage; and, therefore, when he professes to recite the provision of the constitution on this subject, he states that our "social compact, in express terms, declares that the laws of the United States, its constitution, and the treaties made under it, are the supreme law of the land," and speaks, throughout, of "the explicit supremacy given to the laws of the Union over those of the States," as if a law of Congress was, of itself, supreme, while it was necessary to the validity of a treaty that it should be made in pursuance of the constitution. Such, however, is not the provision of the constitution. That instrument expressly provides that "the constitution, and laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding."

Here it will be seen that a law of Congress, as such, can have no validity unless made "in pursuance of the constitution." An unconstitutional act is, therefore, null and void; and the only point that can arise in this case is, whether to the Federal Government, or any department thereof, has been exclusively reserved the right to decide authoritatively for the States this question of constitutionality. If this be so, to which of the departments, it may be asked, is this right of final judgment given? If it be to Congress, then is Congress not only elevated above the other departments of the Federal Government, but it is put above the constitution itself. This, however, the President himself has publicly and solemnly denied, claiming and exercising, as is known to all the world, the right to refuse to execute acts of Congress and solemn treaties, even after they had received the sanction of every department of the Federal Government.

That the Executive possesses this right of deciding finally and exclusively as to the validity of acts of Congress, will hardly be pretended; and that it belongs to the judiciary, except so far as may be necessary to the decision of questions which may incidentally come before them, in "cases of law and equity," has been denied by none more strongly than the President himself, who, on a memorable occasion, refused to acknowledge the binding authority of the Federal Court, and claimed for himself, and has exercised the right of enforcing the laws, not according to their judgment, but "his own understanding of them." And yet, when it serves the purpose of bringing odium upon South Carolina, "his native State," the President has no hesitation in regarding the attempt of a State to release herself from the control of the federal judiciary, in a matter affecting her sovereign rights, as a violation of the constitution.

It is unnecessary to enter into an elaborate examination of the subject. It surely cannot admit of a doubt, that, by the declaration of independence, the several colonies became "free, sovereign, and independent States:" and our political history will abundantly show that, at every subsequent change in their condition, up to the formation of our present constitution, the States preserved their sovereignty. The discovery of this new feature in our system, that the States exist only as members of the Union; that, before the declaration of independence, we were known only as "United Colonies;" and that, even under the articles of confederation, the States were considered as forming, "collectively, one nation"—without any right of refusing to submit to "any decision of Congress"—was reserved to the President and his immediate predecessor. To the latter "belongs the invention, and, upon the former, will unfortunately fall the evils of reducing it to practice."

South Carolina holds the principles now promulgated by the President, as they must always be held by all who claim to be supporters of the rights of the States—"as contradicted by the letter of the constitution; unauthorized

by its spirit; inconsistent with every principle on which it was founded; destructive of all the objects for which it was framed;" utterly incompatible with the very existence of the States, and absolutely fatal to the rights and liberties of the people. South Carolina has so solemnly and repeatedly expressed to Congress, and the world, the principles which she believes to constitute the very pillars of the constitution, that it is deemed unnecessary to do more, at this time, than barely to present a summary of those great fundamental truths which she believes can never be subverted without the inevitable destruction of the liberties of the people, and of the Union itself. South Carolina has never claimed, as is asserted by the President, the right of "repealing, at pleasure, all the revenue laws of the Union," much less the right of "repealing the constitution itself, and laws passed to give it effect, which have never been alleged to be unconstitutional." She claims only the right to judge of infractions of the constitutional compact, in violation of the reserved rights of the State, and of arresting the progress of usurpation within her own limits, and when, as in the tariffs of 1828 and 1832, revenue and protection, constitutional and unconstitutional objects, have been so mixed up together that it is found impossible to draw the line of discrimination: she has no alternative but to consider the whole as a system unconstitutional in its character, and to leave it to those who have "woven the web, to unravel the threads." South Carolina insists, and she appeals to the whole political history of our country in support of her position, that the constitution of the United States is a compact between sovereign States; that it creates a confederated republic, not having a single feature of nationality in its foundation; that the people of the several States, as distinct political communities, ratified the constitution, each State acting for itself, and binding its own citizens, and not those of any other State, the act of ratification declaring it to be binding on the States so ratifying: the States are its authors, their power created it; their voice clothed it with authority; the Government, which it formed, is composed of their agents; and the Union, of which it is the bond, is a Union of States, and not of individuals; that, as regards the foundation and extent of its power, the Government of the United States is strictly what its name implies, a Federal Government; that the States are as sovereign now as they were prior to the entering into the compact; that the federal constitution is a confederation in the nature of a treaty, or an alliance, by which so many sovereign States agreed to exercise their sovereign powers conjointly upon certain objects of external concern, in which they are equally interested, such as war, peace, commerce, foreign negotiation, and Indian trade; and, upon all other subjects of civil government, they were to exercise their sovereignty separately.

For the convenient, conjoint exercise of the sovereignty of the States, there must, of necessity, be some common agency or functionary. This agency is the Federal Government. It represents the confederated States, and executes their joint will, as expressed in the compact. The powers of this Government are wholly derivative. It possesses no more inherent sovereignty than an incorporated town, or any other great corporate body. It is a political corporation, and, like all corporations, it looks for its powers to an exterior source—that source is the States.

South Carolina claims that, by the declaration of independence, she became, and has ever since continued, a free, sovereign, and independent State.

"That, as a sovereign State, she has the inherent power to do all those acts which, by the law of nations, any prince or potentate may of right do. That, like all independent States, she neither has, nor ought she to suffer any other restraint upon her sovereign will and pleasure, than those high moral obligations under which all princes and States are bound, before God and man, to perform their solemn pledges. The inevitable conclusion, from what has been said, therefore, is, that, as in all cases of compact between independent sovereigns, where, from the very nature of things, there can be no common judge or umpire, each sovereign has a right "to judge as well of infractions as of the mode and measure of redress," so, in the present controversy between South Carolina and the Federal Government, it belongs solely to her, by her delegates in solemn convention assembled, to decide whether the federal compact be violated, and what remedy the State ought to pursue. South Carolina, therefore, cannot, and will not, yield to any department of the Federal Government a right which enters into the essence of all sovereignty, and without which it would become a bauble and a name."

Such are the doctrines which South Carolina has, through her convention, solemnly promulgated to the world, and, by them, she will stand or fall. Such were the principles promulgated by Virginia in '98, and which then received the sanction of those great men, whose recorded sentiments have come down to us as a light to our feet, and a lamp to our path. It is Virginia, and not South Carolina, who speaks, when it is said that she "views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the "authorities, rights, and liberties, appertaining to them."

It is Kentucky, who declared in '99, speaking in the explicit language of Thomas Jefferson, that the "principles and construction contended for by members of the State Legislatures, (the very same now maintained by the President,) that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the Government, and not the constitution, would be the measure of their powers; that the several States who formed the instrument, being sovereign and independent, have the unquestionable right to judge of the infraction, and that a nullification, by those sovereignties, of all unauthorized acts done under color of that instrument, is the rightful remedy."

It is the great apostle of American liberty himself who has consecrated these principles, and left them as a legacy to the American people, recorded by his own hand. It is by him that we are instructed*—that to the constitutional compact "each State acceded, as a State, and is an integral party, its co-States forming, as to itself, the other party;" that "they alone, being parties to the compact, are solely authorized to judge, in the last resort, of the powers exercised under it, Congress being not a party, but merely the creature of the compact;" that it becomes a sovereign State to submit to undelegated, and, consequently, unlimited power, in no man or body of men upon earth; that where powers are assumed which have not been delegated, (the very case now before us,) a nullification of the act is the rightful remedy; that every State has a natural right, in cases not within the compact, [*casus non fœderis,*] to nullify, of their own authority, all assumption of power by others, within their limits; and that, without this right, they would be under the dominion, absolute and unlimited, of whomsoever might exercise the right of judgment for them;" and that, in case

* See original draught of the Kentucky resolutions, in the handwriting of Mr. Jefferson, lately published by his grandson.

of acts being passed by Congress "so palpably against the constitution as to amount to an undisguised declaration that the compact is not meant to be the measure of the powers of the General Government, but that it will proceed to exercise over the States all powers whatsoever, it would be the duty of the States to declare the acts void, and of no force, and that each should take measures of its own for providing that neither such acts, nor any other of the General Government, not plainly and intentionally authorized by the constitution, shall be exercised within their respective territories."

It is on these great and essential truths that South Carolina has now acted. Judging for herself as a sovereign State, she has pronounced the protecting system, in all its branches, to be a "gross, deliberate, and palpable violation of the constitutional compact;" and, having exhausted every other means of redress, she has, in the exercise of her sovereign rights, as one of the parties to that compact, and in the performance of a high and sacred duty, interposed for arresting the evil of usurpation within her own limits, by declaring these acts to be "null, void, and no law, and taking measures of her own that they shall not be enforced within her limits."

South Carolina has not "assumed" what could be considered as at all doubtful, when she asserts "that the acts in question were in reality intended for the protection of manufactures;" that their "operation is unequal;" that "the amount received by them is greater than is required by the wants of the Government;" and, finally, "that the proceeds are to be applied to objects unauthorized by the constitution." These facts are notorious; these objects openly avowed. The President, without instituting any inquisition into motives, has himself discovered and publicly denounced them; and his officer of finance is, even now, devising measures intended, as we are told, to correct these acknowledged abuses.

It is a vain and idle dispute about words to ask whether this right of State interposition may be most properly styled a constitutional, a sovereign, or a reserved right. In calling this right constitutional, it could never have been intended to claim it as a right granted by, or derived from, the constitution, but it is claimed as consistent with its genius, its letter, and its spirit; it being not only distinctly understood, at the time of ratifying the constitution, but expressly provided for in the instrument itself, that all sovereign rights, not agreed to be exercised conjointly, should be exerted separately by the States. Virginia declared, in reference to the right asserted in the resolutions of '98, above quoted, even after having fully and accurately re-examined and reconsidered these resolutions, "that she found it to be her indispensable duty to adhere to the same, as founded in truth, as consonant with the constitution, and as conducive to its welfare," and Mr. Madison himself asserted them to be perfectly "constitutional and conclusive."

It is wholly immaterial, however, by what name this right may be called, for if the constitution be a "compact to which the States are parties," if "acts of the Federal Government are no further valid than they are authorized by the grants enumerated in that compact," then we have the authority of Mr. Madison himself for the inevitable conclusion that it is "a plain principle, illustrated by common practice, and essential to the nature of compacts, that when resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judge, in the last resort, whether the bargain made has been pursued or violated." The constitution, continues Mr. Madison, "was formed by the sanction of the States, given by each in its sovereign capacity; the States then being parties to the constitutional compact, and in their sovereign capacity, it follows, of necessity, that there can be no tribunal above their authority, to decide, in the last resort, whether the compact made by them be violated; and, consequently, that, as the parties to it, they must themselves decide in the last resort such questions as may be of sufficient magnitude to require their interposition."

If this right does not exist in the several States, then it is clear that the discretion of Congress, and not the constitution, would be the measure of their powers; and this, says Mr. Jefferson, would amount to the "seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States not only in cases made federal, but in all cases whatever; which would be to surrender the form of Government we have chosen, to live under one deriving its power from its own will."

We hold it to be impossible to resist the argument that the several States, as sovereign parties to the compact, must possess the power, in cases of "gross, deliberate, and palpable violation of the constitution, to judge, each for itself, as well of the infraction as of the mode and measure of redress," or ours is a consolidated Government, "without limitation of powers;" a submission to which Mr. Jefferson has solemnly pronounced to be a greater evil than disunion itself. If, to borrow the language of Madison's report, "the deliberate exercise of dangerous powers, palpably withheld by the constitution, could not justify the parties to it in interposing, even so far as to arrest the progress of the evil, and thereby to preserve the constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognised under all the State constitutions, as well as a plain denial of the fundamental principle on which our independence itself was declared."

The only plausible objection that can be urged against this right, so indispensable to the safety of the States, is, that it may be abused: but this danger is believed to be altogether imaginary. So long as our Union is felt as a blessing, and this will be just so long as the Federal Government shall confine its operation within the acknowledged limits of the charter, there will be no temptation for any State to interfere with the harmonious operation of the system. There will exist the strongest motives to induce forbearance, and none to prompt to aggression on either side, so soon as it shall come to be universally felt and acknowledged that the States do not stand to the Union in the relation of degraded and dependent colonies, but that our bond of union is formed by mutual sympathies and common interests. The true answer to this objection has been given by Mr. Madison, when he says:

"It does not follow, however, that, because the States, as sovereign parties to the constitutional compact, must ultimately decide whether it has been violated, that such a decision ought to be interposed either in a hasty manner, or on doubtful and inferior occasions. Even in the case of ordinary conventions between different nations, it is always laid down that the breach must be both wilful and material to justify an application of the rule. But in the case of an intimate and constitutional union, like that of the United States, it is evident that the interposition of the parties, in their sovereign capacity, can be called for by occasions only deeply and essentially affecting the vital principles of their political system."

Experience demonstrates that the danger is not that a State will resort to her sovereign rights too frequently, or on light and trivial occasions, but that she may shrink from asserting them as often as may be necessary.

It is maintained by South Carolina that, according to the true spirit of the constitution, it becomes Congress, in all emergencies like the present, either to remove the evil by legislation, or to solicit of the States the call of a convention; and that, on a failure to obtain, by the consent of three-fourths of all the States, an amendment giving the disputed power, it must be regarded as never hav-

ing been intended to be given. These principles have been distinctly recognised by the President himself in his message to Congress at the commencement of the present session, and they seem only to be impracticable absurdities when asserted by South Carolina, or made applicable to her existing controversy with the Federal Government.

But it seems that South Carolina receives from the President no credit for her sincerity, when it is declared, through her Chief Magistrate, that "she sincerely and anxiously seeks and desires" the submission of her grievances to a convention of all the States. "The only alternative (says the President) which she presents, is the repeal of all the acts for raising revenue; leaving the Government without the means of support, or an acquiescence in the dissolution of our Union." South Carolina has presented no such alternatives. If the President had read the documents which the convention caused to be forwarded to him for the express purpose of making known her wishes and her views, he would have found that South Carolina asks no more than that the tariff should be reduced to the revenue standard; and has distinctly expressed her willingness that "an amount of duties substantially uniform should be levied upon protected as well as unprotected articles, sufficient to raise the revenue necessary to meet the demands of the Government for constitutional purposes." He would have found, in the exposition put forth by the convention itself, a distinct appeal to our sister States for the call of a convention, and the expression of an entire willingness, on the part of South Carolina, to submit the controversy to that tribunal. Even at the very moment when he was indulging in these unjust and injurious imputations upon the people of South Carolina, and their late highly respected Chief Magistrate, a resolution had actually been passed through both branches of our Legislature, demanding a call of that very convention to which he declares that she had no desire that an appeal should be made.

It does not become the dignity of a sovereign State to notice, in the spirit which might be considered as belonging to the occasion, the unwarrantable imputations in which the President has thought proper to indulge in relation to South Carolina, the proceedings of her citizens and constituted authorities. He has noticed, only to give it countenance, that miserable slander which imputes the noble stand which our people have taken in defence of their rights and liberties, to a faction instigated by the efforts of a few ambitious leaders who have got up an excitement for their own personal aggrandizement. The motives and characters of those who have been subjected to these unfounded imputations, are beyond the reach of the President of the United States. The sacrifices they have made, and difficulties and trials through which they may have yet to pass, will leave no doubt as to the disinterested motives, and noble impulses of patriotism and honor by which they are actuated. Could they have been induced to separate their own personal interests from those of the people of South Carolina, and have consented to abandon their duty to the State, no one knows better than the President himself that they might have been honored with the highest manifestations of public regard; and, perhaps, instead of being the objects of vituperation, might, even now, have been basking in the sunshine of Executive favor. This topic is alluded to merely for the purpose of guarding the people of our sister States against the fatal delusion that South Carolina has assumed her present position under the influence of a temporary excitement, and to warn them that it has been the result of the slow but steady progress of public opinion for the last ten years: that it is the act of the people themselves, taken in conformity with the spirit of resolutions repeatedly adopted in their primary assembles, and the solemn determination of the Legislature, publicly announced more than two years ago. Let them not so far deceive themselves on this subject as to persevere in a course which must, in the end, inevitably produce a dissolution of the Union, under the vain expectation that the great body of the people of South Carolina, listening to the counsels of the President, will acknowledge their error, or retrace their steps, and, still less, that they will be driven from the vindication of their rights by the intimation of the danger of domestic discord, and threats of lawless violence. The brave men who have thrown themselves into the breach in defence of the rights and liberties of their country, are not to be driven from their holy purpose by such means. Even unmerited obloquy, and death itself, have no terrors for him who feels and knows that he is engaged in the performance of a sacred duty. The people of South Carolina are well aware that, however passion and prejudice may obtain, for a season, the mastery of the public mind, reason and justice must, sooner or later, reassert their empire; and that, whatever may be the event of this contest, posterity will do justice to their motives, and to the spotless purity and devoted patriotism with which they have entered into an arduous and most unequal conflict, and the unfaltering courage with which, by the blessing of Heaven, they will maintain it.

The whole argument, so far as it is designed, at this time, to enter into it, is now disposed of; and it is necessary to advert to some passages in the proclamation which cannot be passed over in silence. The President distinctly intimates that it is his determination to exert the right of putting down the opposition of South Carolina to the tariff by force of arms. He believes himself invested with power to do this under that provision of the constitution which directs him "to take care that the laws be faithfully executed." Now if by this it was only meant to be asserted that, under the laws of Congress, now of force, the President would feel himself bound to aid the civil tribunals in the manner therein prescribed, supposing such laws to be constitutional, no just exception could be taken to this assertion of Executive duty; but if, as is manifestly intended, the President sets up the claim to judge for himself in what manner the laws are to be enforced, and feels himself at liberty to call forth the militia, and even the military and naval forces of the Union, against the State of South Carolina, her constituted authorities and citizens, then it is clear that he assumes a power not only not conferred on the Executive by the constitution, but which belongs to no despot upon earth exercising a less unlimited authority than the Autocrat of all the Russias—an authority which, if submitted to, would at once reduce the free people of these United States to a state of the most abject and degraded slavery. But the President has no power whatsoever to execute the laws, except in the mode and manner prescribed by the laws themselves. On looking into these laws, it will be seen that he has no shadow or semblance of authority to execute any of the threats which he has thrown out against the good people of South Carolina. The act of 28th February, 1795, gives the President authority to call forth the militia in case of invasion "by a foreign nation or Indian tribe." By the second section of that act, it is provided that "whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed."

The words here used, though they might be supposed to be very comprehensive in their import, are restrained by those which follow. By the next section it is declared that "whenever it may be necessary, in the judgment of

the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time." On reading these two sections together, it is manifest that they relate entirely to combinations of individuals, acting of themselves without any lawful authority. The constituted authorities, acting under the laws of the State, and its citizens yielding obedience to its commands, cannot possibly be considered as a mere mob, forming combinations against the authority and laws of the Union, to be dispersed by an Executive proclamation; and any attempt so to treat them would be a gross and palpable violation of the sovereign authority of the State, and an offence punishable criminally in her own courts. Whether the late proclamation of the President was intended as a compliance with the provisions of this act, does not very clearly appear; but if so, it can only be considered as directed against the State, since the laws of the United States have certainly not been forcibly obstructed by combinations of any sort, and it is certainly worthy of observation that the command extended to the people is not that they should disperse, but that they should reassemble in convention, and repeal the obnoxious ordinance.

The power of the President, so far as this subject is embraced, in relation to the army and navy, is exactly coextensive with that over the militia. By the first section of the act of 3d March, 1807, it is expressly provided, that, in all cases of "obstruction to the laws of the United States, or of any individual State, where it is lawful for the President to call forth the militia for the purpose of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purpose, such part of the land or naval force of the United States as may be necessary, having first observed all the prerequisites of the law in that respect." Here, then, it is seen that, unless the President is resolved to disregard all constitutional obligations, and to trample the laws of his country under his feet, he has no authority whatever to use force against the State of South Carolina; and should he attempt to do so, the patriotic citizens of this State know too well their own rights, and have too sacred a regard to their duties, to hesitate one moment in repelling invasion, come from what quarter it may. Could they be deterred by the threats of lawless violence, or any apprehension of consequences, from the faithful performance of their duty, they would feel that they were the unworthy descendants of the "Pinckneys, Sumters, and Rutledges, and a thousand other names which adorn the pages of our revolutionary history," some of whom have just gone from among us, and been gathered to their fathers, leaving as a legacy their solemn injunction that we should never abandon this contest until we shall have obtained "a fresh understanding of the bargain," and restored the liberties for which they fought and bled. Others still linger among us, animating us by their example, and exhorting us to maintain that "solemn ordinance and declaration" which they have subscribed with their own names, and in support of which they have "pledged their lives, their fortunes, and their sacred honor."

The annals which record the struggles of freedom, show us that rulers in every age and every country, jealous of their power, have resorted to the very same means to extinguish in the bosom of man that noble instinct of liberty which prompts him to resist oppression. The system by which tyrants in every age have attempted to obliterate this sentiment, and to crush the spirit of the people, consists in the skilful employment of promises and threats, in alternate efforts to encourage their hopes and excite their fears; to show that existing evils are exaggerated, the danger of resistance great, and the difficulties in the way of success insuperable; and, finally, to sow dissensions among the people by creating jealousies, and exciting a distrust of those whose counsels and example may be supposed to have an important bearing on the success of their cause.

These, with animated appeals to the loyalty of the people, and an imposing array of military force, constitute the means by which the people have in every age been reduced to slavery. When we turn to the pages of our own history, we find that such were the measures resorted to at the commencement of our own glorious revolution, to keep our fathers in subjection to Great Britain; and such are the means now used to induce the people of Carolina to "retrace their steps," and to remain forever degraded colonists, governed not in reference to their own interests, but the interests of others. Our fathers were told, as we now are, that their grievances were in a great measure imaginary. They were promised, as we have been, that those grievances should be redressed. They were told, as we now are, that the people were misled by a few designing men, whose object was a dissolution of the Union, and their own self-aggrandizement. They were told, as we now are, of the danger that would be incurred by disobedience to the laws. The power and resources of the mother country were then, as now, ostentatiously displayed in insulting contrast with the scattered population and feeble resources on which we could alone rely. And the punishment due to treason and rebellion were held out as the certain fate of all who should disregard the paternal efforts of their royal master to bring back his erring children to the arms of their indulgent mother. They were commanded, as we have been, to "retrace their steps." But, though divided among themselves, to a greater extent than we are now, without an organized Government, and destitute of arms and resources of every description, they bid defiance to the tyrant's power, and refused obedience to his commands. They incurred the legal guilt of rebellion, and braved the dangers, both of the scaffold and the field, in opposition to the colossal power of their acknowledged sovereign, rather than submit to the imposition of taxes light and inconsiderable in themselves, but imposed without their consent, for the benefit of others. And what is our present condition? We have an organized Government, and a population three times as great as that which existed in '76. We are maintaining, not only the rights and liberties of the people, but the sovereignty of our own State, against whose authority rebellion may be committed, but in obedience to whose commands no man can commit treason. We are struggling against unconstitutional and oppressive taxation imposed upon us, not only without our consent, but in defiance of our repeated remonstrances and solemn protests. In such a quarrel, our duty to our country, ourselves, and our posterity, is too plain to be mistaken. We will stand upon the soil of Carolina, and maintain the sovereign authority of the State, or be buried beneath its ruins. As unhappy Poland fell before the power of the Autocrat, so may Carolina be crushed by the power of her enemies; but Poland was not surrounded by free and independent States, interested, like herself, in preventing the establishment of the very tyranny which they are called upon to impose upon a sister State. If, in spite of our common kindred, and common interests, the glorious recollections of the past, and the proud hopes of the future, South Carolina should be coldly abandoned to her fate, and reduced to subjection by an unholy combination among her sister States, which is believed to be utterly impossible, and the doctrines promulgated by the President are to become the foundations of a new system cemented by the blood of our citizens, it matters not what may be our lot. Under such a Government, as there could be no liberty, so there could be no security either for our persons or our property.

But there is one consolation, of which, in the providence

of God, no people can be deprived without their own consent—the proud consciousness of having done their duty. If our country must be enslaved, let her not be dishonored by her own sons! Let them not "forge the chains themselves by which their liberties are to be manacled."

The President has intimated in his proclamation that a "standing army" is about to be raised to carry secession into effect. South Carolina desires that her true position shall be clearly understood, both at home and abroad. Her object is not "disunion;" she has raised no "standing army;" and if driven to repel invasion or resist aggression, she will do so by the strong arms and stout hearts of her citizens. South Carolina has solemnly proclaimed her purpose; that purpose is the vindication of her rights. She has professed a sincere attachment to the Union; and that, to the utmost of her power, she will endeavor to preserve it, "but believes that, for this end, it is her duty to watch over and oppose any infraction of those principles which constitute the only basis of that Union, because a faithful observance of them can alone secure its existence; that she venerates the constitution, and will protect and defend it 'against every aggression, either foreign or domestic;' but, above all, that she estimates, as beyond all price, her liberty, which she is unalterably determined never to surrender while she has the power to maintain it."

The President denies, in the most positive terms, the right of a State, under any circumstances, to secede from the Union, and puts this denial on the ground "that, from the time the States parted with so many powers as to constitute jointly with the other States a single nation, they cannot, from that period, possess any right to secede." What then remains of those "rights of the States" for which the President professes so "high a reverence?" In what do they consist? And by what tenure are they held? The uncontrolled will of the Federal Government. Like any other petty corporation, the States may exert such powers, and such only, as may be permitted by their superiors. When they step beyond these limits, even a federal officer will set at naught their decrees; repeal their solemn ordinances; proclaim their citizens to be traitors, and reduce them to subjection by military force; and if, driven to desperation, they should seek a refuge in secession, they are to be told that they have bound themselves to those who have perpetrated or permitted these enormities, in the iron bonds of a "perpetual Union."

If these principles could be established, then, indeed, would the days of our liberty be numbered, and the republic will have found a master. If South Carolina had not already taken her stand against the usurpation of the Federal Government, here would have been an occasion when she must have felt herself impelled, by every impulse of patriotism, and every sentiment of duty, to stand forth in open defiance of the arbitrary decrees of the Executive, when a sovereign State is denounced, her authority derided, the allegiance of her citizens denied, and she is threatened with military power to reduce her to obedience to the will of one of the functionaries of the Federal Government, by whom she is commanded to "tear from her archives" her most solemn decrees. Surely the time has come when it must be seen whether the people of the several States have, indeed, lost the spirit of the revolution, and whether they are to become the willing instruments of an unhallowed despotism. In such a sacred cause, South Carolina will feel that she is striking not for her own, but the liberties of the Union and the rights of man; and she confidently trusts that the issue of this contest will be an example to freemen, and a lesson to rulers throughout the world.

Fellow-citizens: In the name and behalf of the State of South Carolina, I do once more solemnly warn you against all attempts to seduce you from your primary allegiance to the State; I charge you to be faithful to your duty as citizens of South Carolina, and earnestly exhort you to disregard those "vain menaces" of military force, which, if the President, in violation of all his constitutional obligations, and of your most sacred rights, should be tempted to employ, it would become your solemn duty, at all hazards, to resist. I require you to be fully prepared to sustain the dignity, and protect the liberties of the State, if need be, with "your lives and fortunes." And may that great and good Being, who, as a "father, careth for his children," inspire us with that holy zeal in a good cause, which is the best safeguard of our rights and liberties.

In testimony whereof, I have caused the seal of the State to be hereunto affixed, and have signed the same with my hand. Done at Co-
[L. S.] lumbia, this twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the independence of the United States the fifty-seventh.

ROBERT Y. HAYNE.

By the Governor:

SAMUEL HAMMOND, *Secretary of State.*

No. 14.

GENERAL ORDERS.

HEAD QUARTERS, *Columbia, Dec.* 20, 1832.

The Legislature having, at their session which has just closed, passed an act authorizing the Governor to accept the services of volunteers who will hold themselves in readiness to take the field at a moment's warning, should it become necessary to call upon them, to suppress insurrection, repel invasion, or support the civil authorities in the execution of the laws, public notice is hereby given to all the patriotic citizens of the State, that their services as volunteers will be accepted, either individually, or by companies, troops, battalions, divisions, or regiments, of artillery, cavalry, or riflemen. Where volunteer companies now existing, or hereafter to be raised, and consisting of not less than forty nor more than one hundred effective men, shall offer their services, they will be received as a whole, with their own officers. Any four companies that may choose to be joined together, will be organized as a battalion, under any field officer they may select from the regiment or brigade out of which such battalion may be formed; and any two battalions that may desire to be united, will, in like manner, be formed into a regiment. Volunteers will only be required to do duty in their respective volunteer companies, and are exonerated from all militia duty to which they may now be liable in their respective beats, or in the battalions or regiments to which they may now belong. Should the volunteers be called into actual service, arms will be furnished them, and sooner, should the means at the disposal of the Governor permit. Officers will be appointed in each brigade, who will afford all necessary information, and through whom reports and tenders of service may be made. In the mean time, all communications will be addressed to the Governor of the State, in Charleston.

In making this call in obedience to the direction of the Legislature, the commander-in-chief feels the most perfect confidence that it will be responded to with the promptness and spirit which has always distinguished the gallant sons of Carolina, and that, should their country need their services, they will be found at the post of honor and of duty, ready to lay down their lives in her defence.

By order of the Governor and commander-in-chief:

JOHN B. EARLE, *Adj. Gen.*

Attention Riflemen—Company Orders.

COLUMBIA, *December* 31, 1832.

The members of the Richland Volunteer Rifle Company

are ordered to hold themselves in readiness to march, at a minute's warning, and without delay, to any point in the State which may be designated by the proper authority, to perform such military service, in defence of the State, as may be required. Each member will, forthwith, put his rifle and accoutrements in complete order; furnish himself with a sufficient quantity of powder and ball, a coarse homespun knapsack, with a blanket, and the requisite change of clothing. Upon being notified, each man will promptly repair to the Town Hall, to be mustered into service at the minute designated. Upon the reception of marching orders, a field piece will be fired five times in succession, as a signal for assembling.

E. H. MAXCY, *Captain*.

N. B. The company will parade on Saturday next, the 5th of January, 1833, at ten o'clock A. M., for drill and target firing. And on the same day, at nine A. M. a court martial will be held at the captain's office, for the trial of defaulters at all previous musters, and the last regimental review.

Message from the President of the United States, transmitting, in compliance with a resolution of the Senate, the orders given to the land and naval forces at Charleston.

WASHINGTON, *Feb.* 12, 1833.

To the Senate:

In compliance with the resolution of the Senate, requesting the President of the United States to lay before it "copies of the orders which have been given to the commanding officers of the military forces assembled in and near to the city of Charleston, South Carolina, and also copies of the orders which have been given to the commander of the naval forces assembled in the harbor of Charleston, particularly such orders, if any such have been given, to resist the constituted authorities of the State of South Carolina within the limits of said State," I transmit, herewith, papers numbered from one to seventeen, inclusive, embracing the orders which have been given to the commanding officers of the land and naval forces assembled in and near the city of Charleston, and within the limits of the State of South Carolina, and which relate to military operations in that quarter. No order has at any time been given, in any manner inconsistent therewith. There is a part, however, of the letter of the Secretary of War, dated December 3d, 1832, omitted, which, being conditional in its character, and not relating to the operations of the troops, it is deemed improper, in the present state of the service, to communicate.

No order has, at any time, been given "to resist the constituted authorities of the State of South Carolina within the chartered limits of said State."

ANDREW JACKSON.

[CONFIDENTIAL.]

NAVY DEPARTMENT,
December 12, 1832.

SIR: The Experiment and Natchez will both sail as soon as practicable, and touch at the port of Charleston, South Carolina.

You can take passage in either to your station, and will, when necessary, after perusing the instructions given to their commanders, issue any orders to either within the tenor of those instructions, which your skill and experience may deem necessary.

I wish you, before they sail, to give every caution and advice to them, as to their passage, at this inclement season, and to see that they have on board suitable charts, chronometers, &c., for the voyage.

You are requested to furnish me with a particular report, from time to time, of all your proceedings, while commander of the station at Charleston, South Carolina.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY.

Com. JESSE D. ELLIOTT,
Com'g naval station, Charleston, S. C., Norfolk, Va.

[CONFIDENTIAL.]

NAVY DEPARTMENT, *December* 12, 1832.

SIR: You are directed, whenever ready again for sea, to proceed to the port of Charleston, South Carolina, and carry out as passenger there Commodore Jesse D. Elliott, the commander of that station.

You will remain there till further orders from the department, taking special care to give to all our citizens and navigation in that neighborhood all needful protection in their accustomed lawful pursuits.

In the present inflamed condition of the public mind in a portion of the community there, you will use scrupulous caution to give no just occasion for offence, and will enjoin on your officers and crew the utmost moderation and forbearance in their deportment, consistent with their duty to the laws and constitution.

Your acts will be confined entirely to the defensive—giving relief to those in distress, and to those under attacks from illegal force, and will exercise the greatest vigilance to co-operate with the commander of the forts in that neighborhood in defending the public works and public property from aggression, injury, or capture, by any violent or illegal assaults from any quarter whatever.

You will consult and obey the commander at that station in any exigency; and should another vessel of war of the United States touch at the same port while you remain there, you can extend your cruise to the port of Savannah; and it is hoped a cordial union will exist in all your proceedings. I am, &c.,

LEVI WOODBURY.

Lieut. WM. MERVINE,
Com'g U. S. sch'r Experiment, Norfolk, Va.

[CONFIDENTIAL.]

NAVY DEPARTMENT, *December* 19, 1832.

SIR: You are directed, as soon as the Natchez shall be ready for sea, to proceed to the port of Charleston, South Carolina, and carry out with you as passenger from Norfolk, should he be there, and request it, Commodore Jesse D. Elliott, the commander of the Charleston station. After reaching Charleston, you will remain there till further orders from this department, taking especial care to give to all our citizens and navigation in that neighborhood all needful aid and protection in their accustomed lawful pursuits.

In the present excited state of feeling of a portion of the community there, you will use scrupulous caution to give no just occasion for offence, and will enjoin on your officers and men the utmost moderation and forbearance in their deportment, consistent with the fulfilment of their duty to the constitution and laws.

Your acts are to be confined entirely to the defensive—giving relief to those in distress, and to those under attacks from illegal force, and vigilantly co-operating with the commanders of the forts in that neighborhood in defending the public works and public property from aggression, injury, or capture, by any violent or illegal assaults from any quarter whatever.

You will consult and obey the commander of that station in any exigency; and it is hoped a cordial union will exist in all your proceedings.

I am, &c.,

LEVI WOODBURY.

Master Com't JNO. P. ZANTZINGER,
Com'g U. S. ship Natchez, Norfolk, Va.

NAVY DEPARTMENT, *December* 24, 1832.

SIR: Among the duties entrusted to you while on the Atlantic coast the present winter, is that of seeking, by every judicious means, the safety of our coasting navigation, and vessels coming home from abroad at this inclement season.

After arriving at Charleston, and making it your station till other orders, you will, occasionally, after storms and inclement weather, cruise at some distance up and down the coast, and, if finding any vessels in distress, yield them all practicable aid.

I am, respectfully,
Sir, your obedient servant,
LEVI WOODBURY.

Lieut. WM. MERVINE,
Com'g U. S. sch'r Experiment, Norfolk, Va.

NAVY DEPARTMENT, *December* 24, 1832.

SIR: Among the duties entrusted to you while on the Atlantic coast the present winter, is that of seeking, by every judicious means, the safety of our coasting navigation, and vessels coming home from abroad at this inclement season.

After arriving at Charleston, and making it your station until other orders, you will, occasionally, after storms and inclement weather, cruise at some distance up and down the coast; and, if finding any vessels in distress, yield them all practicable aid.

I am, respectfully,
Sir, your obedient servant,
LEVI WOODBURY.

Master Com't JNO. P. ZANTZINGER,
Com'g U. S. ship Natchez, Norfolk, Va.

HEAD QUARTERS OF THE ARMY,
Washington, October 29, 1832.

SIR: From the information which has been received by the Executive, it is deemed necessary that the officers in the harbor of Charleston should be advised of the possibility of attempts being made to surprise, seize, and occupy the forts committed to them. You are, therefore, especially charged to use your utmost vigilance in counteracting such attempts. You will call personally on the commanders of Castle Pinckney and Fort Moultrie, and instruct them to be vigilant to prevent surprise in the night, or by day, on the part of any set of people whatever, who may approach the forts with a view to seize and occupy them. You will warn the said officers that such an attempt is apprehended, and that they will be held responsible for the defence, to the last extremity, of the forts and garrisons under their respective commands, against any assault, and also against intrigue and surprise. The attempt to surprise the forts and garrisons, it is expected, will be made by the militia, and it must be guarded against by constant vigilance, and repelled at every hazard. These instructions you will be careful not to show to any persons, other than the commanding officers of Castle Pinckney and Fort Moultrie. They are to be considered by you and them as strictly confidential, and will govern you and them as commanders in the harbor.

I am, sir, respectfully yours,
A. MACOMB,
Major General commanding.

To Brevet Major J. F. HEILEMAN,
Com'g the troops of the U. S. in Charleston, and in the harbor of Charleston, S. C.

ADJUTANT GENERAL'S OFFICE,
Washington, November 6, 1832.

SIR: The General in Chief directs that you order Captain Ripley, with his company (B) of the 4th regiment of artillery, to proceed forthwith to Fort Moultrie, in the harbor of Charleston, South Carolina, with further orders to report his arrival at the post to the commanding officer of the troops on the Charleston station.

I am, sir, very respectfully, your obedient servant,
R. JONES,
Adjutant General.

Brevet Colonel EUSTIS,
4th artillery, com'g Fort Monroe, Va.

ADJUTANT GENERAL'S OFFICE,
Washington, November 7, 1832.

SIR: The General in Chief directs that you order company C, of the 1st regiment of artillery, to proceed forthwith to Fort Moultrie, in the harbor of Charleston, with orders to report to the commanding officers of that post and station.

I am, sir, very respectfully, your obedient servant,
R. JONES,
Adjutant General.

Brevet Colonel EUSTIS,
Commanding Fort Monroe, Va.

HEAD QUARTERS OF THE ARMY,
Washington, November 12, 1832.

SIR: I have this day received your letter of the 5th instant. By this time it is expected that the barbette carriages for Castle Pinckney have arrived. I was surprised to find that they had not been shipped many months ago, as they were ordered at the same time with the other equipments.

In reply to your inquiry, how you are to act in case the authorities of South Carolina should demand possession of the citadel, and the arms belonging to the State, I have only to say to you that you will, on such demand, evacuate the citadel, and deliver to the proper authority the arms, taking, of course, receipts for the property as usual. And should the cholera press on you, you are authorized to retire with your company to Sullivan's island or Castle Pinckney, as you may think best. But in the latter case you will write a letter to the Intendant of the city, informing him of your intention, and as it has been intimated to you that the citadel and arms belonging to the State will be demanded of you, that you are desirous of turning them, and all other property in your charge, over to the proper authorities, that you will do so on the demand of such authorities, and retire from the city. You will, however, take care to secure all the property belonging to the United States that may be of use or valuable, and cause to be transferred to Castle Pinckney or Fort Moultrie, or both, as, according to your judgment, will be most proper. Be careful, and do every thing in writing in the way of communication with the authorities with whom you may act; be courteous and decided, avoiding all committal on your part as to hostility; but defend yourself, if attacked, in conformity with the instructions you have received.

I have the honor to be, sir, your obedient servant,
ALEX. MACOMB,
Major General commanding.

Brevet Major HEILEMAN,
Commanding in Charleston, S. C.

[CONFIDENTIAL.]

WASHINGTON, *November* 18, 1832.

SIR: The state of affairs in South Carolina has occasioned much solicitude to the President. He indulges the hope that the intelligence and patriotism of her citizens will prevent any infraction of the constitution and laws of the General Government. But, while he anxiously looks for this result, he deems it possible, from the information he has, that in the first effervescence of feeling, some rash attempt may be made by individuals to take

possession of the forts of the United States in the harbor of Charleston. The possibility of such a measure furnishes a sufficient reason for guarding against it, and the President is, therefore, anxious that the situation and means of defence of these fortifications should be inspected by an officer of experience, who could also estimate and provide for any dangers to which they may be exposed. He has full confidence in your judgment and discretion, and it is his wish that you repair immediately to Charleston, and examine every thing connected with the fortifications. You are at liberty to take such measures, either by strengthening these defences, or by reinforcing these garrisons with troops drawn from any other posts, as you may think prudence and just precaution require.

Your duty will be one of great importance and of great delicacy. You will consult fully and freely with the collector of the port of Charleston and with the district attorney of South Carolina, and you will take no step, except in what relates to the immediate defence and security of the posts, without their order and concurrence. The execution of the laws will be enforced through the civil authority, and by the mode pointed out by the acts of Congress. Should, unfortunately, a crisis arise when the ordinary power in the hands of the civil officers shall not be sufficient for this purpose, the President shall determine the course to be taken and the measures to be adopted. Till, therefore, you are otherwise instructed, you will act in obedience to the legal requisitions of the proper civil officers of the United States.

I will thank you to communicate to me freely and confidentially upon every topic which you may deem it important for the Government to receive information.

Very respectfully, your obedient servant,

LEWIS CASS.

Major General Scott,
Com'g Eastern Department, Washington.

[confidential.]

Department of War, *December* 3, 1832.

Sir: Your letter of the 27th ultimo has been received, and laid before the President. He is pleased at the discretion and judgment manifested by you.

The course of the Government will be regulated by the principles stated in the personal interview I had with you. I cannot but hope that the good sense and patriotism of South Carolina will still prevent the occurrence of those consequences which must result from the attempt to enforce the ordinance recently passed by the convention of that State. In any event the President will perform his duty, and only his duty, under the constitution and laws of the United States.

Your position will, for the present, be a proper one at Savannah. But of this you will judge, advising the department of your movements, and communicating all the information in your possession which can be useful to the Government in the present extraordinary conjuncture of affairs.

You will please to take care that the defences of the forts in the harbor of Charleston be finished as rapidly as possible, and that every necessary step is taken for their security.

Such instructions as your position may require, and as the course of events may call for, will be communicated to you from time to time.

Very respectfully, your obedient servant,

LEWIS CASS.

Major General Scott, *U. S. Army, Savannah, Ga.*

[order no. 109.]

Head Quarters of the Army,
Adjutant General's Office,
Washington, Dec. 4, 1832.

Companies B and E of the third regiment of artillery, and companies C and G of the fourth regiment of artillery, now at Fort Monroe, will forthwith proceed by sea to Fort Moultrie, in the harbor of Charleston, South Carolina, and report for duty. Should these companies not be full, they will be completed from the companies remaining at Fort Monroe.

Lieutenant Colonel Bankhead, of the third regiment of artillery, will repair to Charleston, South Carolina, and take command of the troops in that harbor.

Major Bender, Quartermaster, will repair without delay to Charleston, South Carolina, for duty at that station.

By order of Major General Macomb:

S. COOPER,
Assistant Adjutant General.

Adjutant General's Office,
Washington, December 7, 1832.

Sir: The General in Chief directs that you order company G, of the first regiment of artillery, to proceed with four companies destined for Fort Moultrie, South Carolina; and that you cause to be sent with the troops four twenty-four pounder howitzers, four twelve pounder field pieces, and eight six pounders, with their equipments complete; together with fifty rounds of ammunition per gun.

I have the honor to be, sir,
Your obedient servant,

S. COOPER,
Assistant Adjutant General.

Commanding Officer, *Fort Monroe, Va.*

Head Quarters of the Army,
Washington, January 24, 1833.

Sir: From the conversations I have had with the President and Secretary of War, it is expected that you will be in Charleston harbor by the end of the month. You will therefore avail yourself of the earliest opportunity to proceed to that position, and resume the direction of the military department.

I have the honor to be, sir,
Yours, very respectfully,

A. MACOMB,
Major General commanding the Army.

Major General Winfield Scott,
Commanding Eastern Department.

Head Quarters of the Army,
Washington, January 25, 1833.

Sir: You will receive at Fort Moultrie, or Castle Pinckney, the collector, and such officers of the customs as he may have occasion to employ and take with him; and you will allow him to remain and establish the custom-house within the post, and afford him all facilities, and also protection for that purpose; and in taking and receiving the entries of vessels and their cargoes, and in performing the other duties necessary by law to be performed at the custom-house: and, further, you will receive, previously to the removal of the custom-house, and whenever the collector may desire it, such of his private property and effects, and also such foreign goods, wares, and merchandise as he might find it necessary to send for that purpose for safe keeping, and hold the same under his direction, and subject to his orders.

I am, sir, very respectfully,
Your obedient servant,

ALEX. MACOMB,
Major General commanding the Army.

To Lieut. Col. James Bankhead,
Commanding the troops of the
United States in the harbor of Charleston.

ADJUTANT GENERAL'S OFFICE,
Washington, January 26, 1833.

SIR: As it is probable that the rules and articles of war have not been subscribed by many of the officers under your command, the General in Chief directs you will, on the receipt of this, require all the officers in the harbor of Charleston to comply with the first article of the first section of the act for establishing rules and articles for the government of the armies of the United States, for which purpose I herewith send the rules and articles of war to receive the signatures of all the officers, including your own, which, when completed, you will transmit to the office of the Adjutant General. Should any object to sign the articles of war as required by law, you will report their names accordingly.

I am, sir, respectfully,

R. JONES,
Adjutant General.

Col. JAMES BANKHEAD,
Commanding Charleston Harbor.

DEPARTMENT OF WAR, *January* 26, 1833.

SIR: I have received your letter of the 23d instant, and am directed by the President to communicate to you his wish that you repair to Charleston with the least possible delay, and assume the command of the troops in that quarter, under the views and instructions heretofore communicated to you. This intimation would have been given before, but I supposed it was your intention to return, and, therefore, felt unwilling, by any expression of my expectation, to hasten it at the expense, perhaps, of inconvenience of yourself.

An express has been established between here and Charleston, and will be continued as long as the state of things there may permit and require it. Should, however, any circumstance delay or prevent it, you are at full liberty, whenever you think the public interest requires it, to make other arrangements for the conveyance of your despatches. You can employ pilot boats as you suggest, when these be necessary.

I did not know till yesterday that —— —— was ordered to Savannah. Your course respecting that officer was equally firm and discreet, and met my entire approbation. I have directed he should be immediately relieved, and withdrawn from that quarter.

All your despatches have been communicated to the President, and your general views and proceedings have been approved by him. The three orders to which you refer, I shall briefly advert to.

It is the most earnest wish of the President that the present unhappy difficulties in South Carolina should be terminated without any forcible collision; and it his determination that, if such collision does occur, it shall not be justly imputable to the United States. He is therefore desirous that, in all your proceedings, while you execute your duty firmly, you act with as much discretion and moderation as possible. And this course he has never doubted you will adopt.

Self-defence is a right belonging as much to military bodies as to individuals: and officers, commanding separate forts, are responsible, at all times, for their defence, and are bound to use due precaution to avoid danger. If a body of armed men approach Sullivan's island with apparently hostile views, it will be proper to pursue the course indicated by you to Colonel Bankhead. That is, to warn their commanding officer to retire, and to inform him of the course which you will be compelled to adopt in the event of his continued approach. Should this warning be useless, and the armed body attempt to land, you will be justified in resisting such attempt. But before this unfortunate alternative is resorted to, I rely upon your patriotism and discretion, to endeavor, by all reasonable and peaceable means, to induce any such armed body to abandon their enterprise. The subject is committed to you, in the full conviction, that while you discharge your duty as an officer, you will be mindful of the great delicacy of the subject, and of the anxiety of the President to avoid, if possible, a resort to force. But whatever the first rights of self-defence require, must be done, should a case occur involving such a question.

Your order to Colonel Twiggs was right, in the event of his being compelled to abandon his post. But before the receipt of your letter, while we were here in much anxiety about the arsenal at Augusta, and had not learned the prudent measures taken by you for its defence, Colonel Twiggs was directed to defend himself, if attacked, to the last extremity. In such case, your officer must reject all other considerations, and maintain his position as long as he has the means of resistance. It would certainly be better to destroy the arms and ammunition in the arsenal than they should fall into the hands of any assailants. But that is a result I do not suffer myself to anticipate while so valuable an officer as Colonel Twiggs is in command, and is supported by an adequate garrison.

The course you have directed respecting those officers, if any there may be who hesitate in their allegiance to their country in the hour of trial and peril, meets the entire approbation of the President. I flatter myself that none such will be found; but if there are, they should be immediately known, when their cases will become the subject of special consideration. When I received your letter respecting —— —— and —— ——, I directed General Macomb to order Colonel Bankhead to call upon all the officers under him, who had not already done it, to take the oath of allegiance, and to sign the rules and articles of war.

Since writing the above paragraph, I learn, on inquiry, that the directions I gave respecting the oath of allegiance, were omitted to be carried into effect. I have renewed the order. I will thank you to report any facts which may come to your knowledge, tending to show that, upon the great question of duty, any officer has embraced views which would probably unfit him for the performance of any trust which might be reposed in him; and you are at liberty to order from South Carolina, or its borders, any such officer.

It has been represented that the Martelle Tower, on James' island, and the fort at the mouth of Stone inlet, might be important positions for you to occupy. Please to examine these points, and take such measures on the subject as you may deem necessary.

Very respectfully, your obedient servant.

LEWIS CASS.

Major General SCOTT,
United States Army, New York.

HOUSE OF REPRESENTATIVES, *February* 8, 1833.

Mr. BELL, from the Committee on the Judiciary, to which was referred the message of the President, with the accompanying documents, relative to the controversy between the Federal Government and the State of South Carolina, have bestowed on the subject that anxious consideration which its importance so imperiously demands, and now report a bill, as the result of their best reflections.

In preparing this bill, no provision has been made for clothing the Executive with any power in addition to that which it already has for the purpose of executing the laws. In no view which the committee have been able to take of the subject, can they reconcile it to themselves to provide for the employment of military force. They are aware that, in suggesting the propriety of providing these extraordinary means, the President did not contemplate a resort to them only when the laws are "obstructed by

unlawful combinations, rendering the collection of duties impracticable," or when their execution is opposed by the actual employment of military force by the authority of a State. Yet it is respectfully considered, that the existence of this combination, and its unlawfulness, as well as the inadequacy of the means provided by the existing laws to overcome it, should be first ascertained and established by the action of our courts.

As to the employment of military force by South Carolina, the most positive assurances are given that nothing of this kind is intended unless in repelling an attack from the Federal Government. By delaying, then, any measures which could indicate such an intention, we avoid all provocation, and furnish no pretext to South Carolina to prepare for such an exigency.

The committee are fully sensible that the attitude assumed by South Carolina may seriously embarrass the operations of this Government; yet they maintain, that if, in a controversy between the General Government and one of the States, a resort to the military and naval power of the Union can ever be justified, that resort should only be made in the last extremity, and after every other mode of adjustment has failed. While we can never forget that the constitution was founded on the free and voluntary consent of the people of the several States, and that it was the result of compromise, we are equally conscious that it can only be preserved by a spirit of conciliation and forbearance. What would be the consequences of employing force for the purpose of terminating the present unhappy controversy, it is impossible to foresee. The interest in the question from which it has originated is not limited to a single State, but extends to an entire section of the country; and, among the unhappy results of the application of force, there is reason to fear that, from a controversy between the General Government and a single State, it would extend to a conflict between the two great sections of the country, and might terminate in the destruction of the Union itself.

But, independent of the danger thus apprehended, and even admitting that the dreaded calamity referred to might not result from the employment of force as contemplated, still it would produce, throughout the Southern country, a state of feeling towards the Government, and a deep and settled hostility against the other sections of the Union, which every patriot would deplore, and which every statesman should earnestly endeavor to prevent. Influenced by these considerations, and anxious to avoid, if possible, even the hazard of civil war or bloodshed, your committee, in the bill which they herewith submit, propose to enlarge the powers and give additional strength to the process of the United States courts, in the hope that the energies of the Government, acting through its judicial tribunals, may prove abundantly competent to the emergency.

Ours is essentially a Government of laws; and their enforcement must mainly depend on enlightened public opinion. So long, then, as these laws are mild and just in their character, and equal and impartial in their operation, we need no other guaranty for their execution than the virtue and intelligence of the people. When, therefore, a law is made by the Government so oppressive and destructive to the interests of the people of one of these States as to determine them to resist it at every hazard, it is evidence of the justice of their complaints, which should not be disregarded; and it is the bounden duty of the Legislature, instead of devising rigorous means to enforce it, to modify the obnoxious law. Such is now the case with South Carolina; and, in addition to the unanimous testimony of her own people, and of a very large portion of the people of the Southern States, as to the injustice and oppression of the tariff laws, she is sustained by a great number of our fellow-citizens throughout the Union. The President, too, in his message at the commencement of the present session, earnestly impressed on Congress the justice and importance of altering and modifying the laws in question; and your committee have no doubt that if the recommendations of the Chief Magistrate are carried out by the passage of the bill reported by the Committee of Ways and Means, it will tend more effectually to allay the excited feeling of the South, to avert the crisis with which we are threatened, and to restore harmony to our once happy Union, than any provisions which can be adopted for the removal of custom-houses, clothing the courts with additional powers, or invasion by fleets and armies. But, should Congress still refuse to yield to the complaints and remonstrances of the South; should that feeling of kindness and conciliation so indispensable to the preservation of this great confederacy cease to exert its influence; and should the laws now in force, together with the provisions contained in the bill herewith reported, be evaded, or successfully resisted, by the State of South Carolina, then, and not till then, in the opinion of your committee, will it be time for the representatives of the American people to consider and decide that most delicate and deeply interesting question—the right of the Federal Government to reduce one of the sovereign members of this Union to obedience to its laws by military force; a power, let it be remembered, that was several times proposed to be given in the formation of the federal constitution, but never conferred.

The committee have made no provision for the removal of custom-houses, and exaction of cash duties, as suggested by the President. Such regulations, especially the latter, they conceive would be in violation of those clauses of the constitution which declare that "all duties, imposts, and excises shall be uniform throughout the United States," and that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." To require the duties on goods brought into the ports of one State to be paid in cash, and to allow a credit upon those imported into the others, would be entirely at variance with that uniformity thus required by the constitution, and must give a decided advantage to those ports where the credit system prevails, over those where cash payments are enforced. It would do more; it would be virtually denying to citizens of one State privileges which are enjoyed by those of another. The merchant at Charleston must pay the custom-house duties on receiving his goods, while the merchant at Savannah is allowed a credit of from three to twelve months. Is this uniformity? Do these merchants enjoy equal privileges?

This objection is attempted to be obviated by allowing a deduction of the interest, when the duties are required to be paid in cash. But where is the merchant who would be willing to such an arrangement? Where is the man engaged in trade who is content with a profit of six per cent. on his capital? If there be indeed no difference between the present system of credits, and cash payments with a deduction of six per cent., why does not Congress at once abolish the former, and avoid not only the expense and trouble and litigation occasioned by the non-payment of custom-house bonds, but secure the Government against the immense losses annually, almost daily, occurring by the failures of importing merchants and their sureties? The committee doubt whether the importing merchants would consent to pay cash duties, if they were offered a deduction of double the legal interest. Indeed, there can be very little doubt that many of the merchants, even of Charleston, would land their goods at Savannah, and incur the expense, inconvenience, and additional hazard of reshipping them, rather than be subjected to the payment of the duties in cash. Assuredly the merchants of the interior would not hesitate as to which of these ports they would, under these circumstances, order their goods. Is it not perfectly obvious, then, that, by this "regulation

of revenue," Congress would present strong inducements for the landing of goods at Savannah in preference to Charleston, and thus give a decided advantage to the one port over the other? And can any one believe that, if such a regulation were established and long maintained, it would not as effectually ruin the trade of Charleston as though that port were blockaded, and the entrance of merchant vessels entirely prohibited?

But it may be said that these regulations are general; that no particular State is named; that if they apply to South Carolina, it is in consequence of her own act, and that they will be equally applicable to any other State which shall assume the same attitude. The plain answer to this argument is, that the constitution has not given to Congress the power to make such distinctions under such circumstances, or under any circumstances: the provisions of the constitution are broad, general, and unqualified.

Admitting, however, for a moment, the power in question to exist, the committee are of opinion that the exercise of it, in the manner proposed, would operate with peculiar injustice. There are, it is well understood, a number of merchants of Charleston, who, notwithstanding the ordinance of South Carolina, will continue to import their goods into that port, give their bonds, and pay them as heretofore. Now, would it not be contrary to the very spirit and genius of our Government, that, on account of the acts of the State authorities, or even of the great body of the State, these individuals should be deprived of privileges secured to the citizens of the other States?

These considerations are, with your committee, conclusive against the proposition for the exaction of cash duties; and, as the removal of the custom-houses seems to have been chiefly intended to render that measure the more effectual, the committee consider it entirely unnecessary to provide for such removals.

The committee have not deemed it necessary to enter into many of the important questions presented by the documents which have been referred to them. They have confined themselves more particularly to the suggestions of the President as to the alterations and modifications necessary for more effectually securing the collection of the revenue; and they have considered it due to themselves and to the House, as well as to the high source from which these suggestions proceed, to state the considerations by which they have been governed in reporting the bill which is herewith submitted.

FRENCH SPOLIATIONS SINCE 1800.

HOUSE OF REPRESENTATIVES, *January* 18, 1833.

Message from the President of the United States, transmitting sundry papers upon the subject of claims against the French Government for spoliations on American commerce since September, 1800.

WASHINGTON, *January* 17, 1833.

To the Speaker of the House of Representatives:

In conformity with a resolution of the House of Representatives of the 11th December last, I herewith transmit "such portions as have not heretofore been communicated, of the instructions given to our ministers in France on the subject of claims for spoliations since September, 1800, and of the correspondence of said ministers with the French Government, and with the Secretary of State of the United States, on the same subject."

ANDREW JACKSON.

List of papers transmitted to the House of Representatives, in obedience to their resolution of the 11th December, 1832, *on the subject of claims against France for spoliations on American commerce since September*, 1800.

1. INSTRUCTIONS FROM THE DEPARTMENT OF STATE.

Mr. Adams to Mr. Brown, dated 23d December, 1823.
Same to same, 14th August, 1824.
Mr. Clay to Mr. Brown, (with enclosure,) 28th May, 1827.
Same to same, 17th May, 1828.
Mr. Van Buren to Mr. Rives, 20th July, 1829.
Same to same, 2d April, 1830.
Same to same, (with enclosure,) 20th April, 1830.
Same to same, 27th September, 1830.
Same to same, 16th October, 1830.
Same to same, 8th November, 1830.
Same to same, (with enclosure,) 22d December, 1830.
Same to same, 7th April, 1831.
Mr. Livingston to same, 25th June, 1831.
Same to Mr. Rives, 4th August, 1831.
Mr. Brent to same, 9th September, 1831.
Mr. Livingston to same, 26th September, 1831.

2. DESPATCHES FROM MINISTERS IN FRANCE.

Mr. Brown to Mr. Clay, dated 8th September, 1827.
Same to same, 28th December, 1827.
Same to same, 27th February, 1828.
Same to same, 12th May, 1828.
Same to same, (with enclosure,) 29th July, 1828.
Same to same, 12th November, 1828.
Mr. Rives to Mr. Van Buren, 7th November, 1829.
Same to same, 19th November, 1829,
Same to same, (with enclosures,) 17th December, 1829.
Same to same, (with accompaniment,) 7th January, 1830.
Same to same, ditto, 16th January, 1830.
Same to same, 28th January, 1830.
Same to same, 16th February, 1830.
Same to same, (with accompaniments,) 25th Feb. 1830.
Same to same, ditto, 21st March, 1830.
Same to same, ditto, 28th March, 1830.
Same to same, 6th April, 1830.
Same to same, ditto, 18th May, 1830.
Same to same, ditto, 20th May, 1830.
Same to same, ditto, 29th May, 1830.
Same to same, ditto, 8th June, 1830.
Same to same, ditto, 29th June, 1830.
Same to same, 17th July, 1830.
Same to same, 30th July, 1830.
Same to same, ditto, 8th August, 1830.
Same to same, ditto, 18th August, 1830.
Same to same, ditto, 8th September, 1830.
Same to same, 18th September, 1830.
Same to same, ditto, 29th September, 1830.
Same to same, 19th October, 1830.
Same to same, ditto, 20th October, 1830.
Same to same, 8th November, 1830.
Same to same, (with accompaniment,) 18th Dec. 1830.
Same to same, (with accompaniments,) 18th Jan. 1831.
Same to same, 28th January, 1831.
Same to same, (with accompaniment,) 8th Feb. 1831.
Same to same, (with accompaniments,) 18th Feb. 1831.
Same to same, 10th March, 1831.
Same to same, 30th March, 1831.
Same to same, 14th April, 1831.
Same to same, (with accompaniment,) 28th April, 1831.
Same to same, ditto, 7th May, 1831.
Same to same, 29th May, 1831.
Same to same, (with accompaniments,) 14th June, 1831.
Same to Mr. Livingston, ditto, 29th June, 1831.
Same to same, 8th July, 1831.
Same to same, 28th September, 1831.

Extracts from the general instructions of J. Q. Adams, Secretary of State of the United States, to James Brown, Esq. envoy extraordinary and minister plenipotentiary of the United States to France, dated at Washington, 23d December, 1823.

"The subjects of immediate concern in the relations between the United States and France, which will require your attention, are,

"1. The claims of many citizens of the United States upon the French Government for indemnity.

"2. The pretension raised by the French Government to special and exclusive privileges in the ports of Louisiana, by virtue of the eighth article of the Louisiana cession convention," &c. &c. &c.

* * * * *

"All these subjects, except the last, [the turning away of the Congress frigate from Cadiz,] have been discussed between the two Governments during the missions of your predecessors; most of them so fully, that a renewal of the discussion can scarcely be expected to adduce any novelty of argument or of illustration. All the correspondence concerning them will be before you, and you will, immediately after your reception, earnestly call the attention of the French Government to the claims of our citizens for indemnity.

"You will, at the same time, explicitly make known that this Government cannot consent to connect this discussion with that of the pretension raised by France, on the construction given by her to the eighth article of the Louisiana cession treaty. The difference in the nature and character of the two interests is such, that they cannot, with propriety, be blended together. The claims are of reparation to individuals for their property taken from them by manifest and undisputed wrong. The question upon the Louisiana treaty is a question of right upon the meaning of a contract. It has been fully, deliberately, and thoroughly investigated; and the Government of the United States are under the entire and solemn conviction that the pretension of France is utterly unfounded. We are, nevertheless, willing to resume the discussion, if desired by France: but to refuse justice to individuals, unless the United States will accede to the construction of an article in a treaty, contrary to what they believe to be its real meaning, would be not only incompatible with the principles of equity, but submitting to a species of compulsion derogatory to the honor of the nation."

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Mr. Adams to Mr. Brown.

[No. 4.] DEPARTMENT OF STATE,
Washington, August 14, 1824.

SIR: I have had the honor of receiving your despatches to No. 4, inclusive, dated 28th May, with their enclosures.

The subject which has first claimed the attention of the President, has been the result of your correspondence with the Viscount de Chateaubriand in relation to the claims of numerous citizens of the United States upon the justice of the French Government.

I enclose, herewith, a copy of a report of the Committee of Foreign Relations of the House of Representatives upon several petitions addressed to that body at their last session by some of those claimants, and of a resolution of the House adopted thereupon.

The President has deliberately considered the purport of Mr. de Chateaubriand's answer to your note of the 28th of April upon this subject; and he desires that you would renew, with earnestness, the application for indemnity to our citizens for claims notoriously just, and resting upon the same principle with others which have been admitted and adjusted by the Government of France.

In the note of the Viscount de Chateaubriand to you, of 7th May, it is said that he is authorized to declare a negotiation will be opened with you upon the American claims if this negotiation should also include French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

You are authorized, in reply, to declare that any just claims which subjects of France may have upon the Government of the United States will readily be included in the negotiation, and to stipulate any suitable provision for the examination, adjustment, and satisfaction of them.

But the question relating to the eighth article of the Louisiana treaty is not only of a different character; it cannot be blended with that of indemnity for individual claims, without a sacrifice, on the part of the United States, of a principle of right. The negotiation for indemnity presupposes that wrong has been done; that indemnity ought to be made; and the object of any treaty stipulation concerning it, can only be to ascertain what is justly due, and to make provision for the payment of it. By consenting to connect with such a negotiation that relating to the eighth article of the Louisiana convention, the United States would abandon the principle upon which the whole discussion concerning it depends. The situation of the parties to the negotiation would be unequal. The United States, asking reparation for admitted wrong, are told that France will not discuss it with them unless they will first renounce their own sense of right to admit and discuss with it a claim, the justice of which they have constantly denied.

The Government of the United States is prepared to renew the discussion with that of France, relating to the eighth article of the Louisiana treaty, in any manner which may be desired, and by which they shall not be understood to admit that France has any claim under it whatever.

A change having taken place in the French Department of Foreign Affairs, it is hoped that a new application in behalf of the claims will be more successful than those which have hitherto been urged in vain. It may, perhaps, be proper to offer to discuss further the Louisiana treaty question before entering upon the negotiation for the claims; but you will not fail to press seriously upon the French Government, that, as the United States cannot see, in the result of the discussion hitherto, any just claim of France arising from the article of the treaty, so, in the persevering refusal of France to discuss and adjust the well founded claims of the citizens of the United States to indemnity for wrongs, unless in connexion with one which they are satisfied is unfounded, the United States could ultimately perceive only a determination of France to deny justice to the claimants altogether.

From the tenor of the resolution of the House of Representatives, a copy of which is enclosed, you will discern the necessity of obtaining a positive and ultimate answer, in season to be communicated to Congress at an early period of their next session.

I am, with great respect, &c. &c. &c.
JOHN QUINCY ADAMS.

JAMES BROWN, Esq. &c. &c. &c.

ENCLOSURES.

1. Printed report of the Committee on Foreign Relations of the House of Representatives on the petition of A. Gracie and others, 24th May, 1824.

2. Copy of a resolution of the House of Representatives, 26th May, 1824.

Mr. Clay to Mr. Brown.

DEPARTMENT OF STATE,
Washington, 28th May, 1827.

JAMES BROWN, *Envoy Extraordinary and Minister Plenipotentiary to France:*

SIR: I transmit, herewith, a report from this department to the House of Representatives, made at the last session of Congress, in pursuance of a resolution of the House, containing a schedule of claims of citizens of the United States on foreign Governments, arising out of spoliations committed on our commerce during the wars of

the French revolution. The schedule is as comprehensive as the materials in the possession of the department would admit; but it is not to be taken as, by any means, exhibiting the full amount of the just claims of our citizens. The common casualties incident to human nature have probably prevented the transmission to the department of many claims. Some did not come in until after the expiration of the period fixed in the resolution of the House of Representatives for their being forwarded to the department, and others were received subsequently to the presentation of the schedule to the House. The claims which are excluded ought not to be considered as affected, in the least degree, by their omission. The design of the House of Representatives in requiring a statement of the amount of claims upon foreign Governments, was to obtain a general and proximate view of their extent, without any purpose of impairing the validity of those which, from whatever cause, should not be forwarded.

Although, for the reasons just mentioned, the schedule ought to be received as an imperfect exhibit of the total number and amount of the claims which it was intended to include, the aggregate sum whcih it, in fact, presents, is sufficient to enlist the best exertions of the Government to procure for the claimants the indemnity to which they are justly entitled. Whether we regard the enormity of the aggressions out of which those claims spring, the numerous persons interested in the liquidation of them, or the vast amount at issue, the Government of the United States can never be indifferent to their satisfactory adjustment; and however unpromising appearances may, from time to time, be, it will persevere to the last, until indemnity be obtained.

The schedule was referred, by the House of Representatives, to its Committee on Foreign Affairs, which, on the 23d of February last, made a report, of which a copy is herewith transmitted. The committee conclude their report by observing that the confidence which they entertain "that the measures within the competence of the Executive will eventually prove successful, is measured by the reliance which is felt in the justice and honor of foreign Governments. Till those measures shall have been exhausted, and found inadequate, the time will not have arrived for legislative interference." It is the expectation of the claimants, of Congress, and of the country, that a renewed appeal shall be made, through the Executive, to the justice of France. The committee properly remark in their report, that "justice could not, perhaps, with propriety, be enforced from other Powers before, nor dispensed with after, it shall have been done to our citizens by this powerful, prosperous, and magnanimous State, of whose elevated and liberal policy the people of the United States have had too many proofs to fear a final difference of sentiment on this subject." It should be added that France may be properly considered as the parent source of all the wrongs inflicted by the continental Powers, during the revolutionary wars, on the commerce of the United States; and both for that reason, and on account of the greater magnitude of the claims upon France, which, according to the schedule, is nearly double the amount of those upon all the other continental Governments together, there is an evident fitness in that nation's taking the lead in equitable reparations, which took the lead in the original aggression.

It is, therefore, the President's wish that you should again bring the subject of the American claims to the review of the French Government, and demand that satisfaction which has been so long unjustly withheld. In executing this duty, it may not be unprofitable that you should present to its notice a brief review of the treatment which has been given, by the present Government, since the final overthrow of Napoleon, to similar demands when urged by your predecessor and yourself. In the exhibition of such a review, you will remind that Government that, as early as the 9th November, 1816, Mr. Gallatin transmitted a note to the Duke de Richelieu, the French Secretary of State for the Department of Foreign Affairs, in which he made a general statement of the claims of our citizens arising under various illegal acts of the French Government, and demanded the indemnity due on their account. Having received no answer to that note, on the 26th December following Mr. Gallatin requested an interview for the purpose of communicating to this Government the result of his application. On the 16th of January, 1817, the Duke appointed the 20th of the same month for the interview, at which Mr. Gallatin reports him to have said, in answer to the basis which he had proposed in his note of the 9th November, "that his (the Duke's) offer would fall very short of our demand; that he would not go beyond an indemnity for vessels burnt at sea, and for those, the proceeds of which had been only sequestered and deposited in the Caisse d'Amortissement." He added, "that he would make his proposal in writing, and that this would not be attended with much delay." On the 13th April, 1817, in another interview with Mr. Gallatin, he announced "that he had concluded not to give a written answer to the note of the 9th of November." The pretext for this alteration in the Duke's determination was stated to be the unexpected amount of claims against France which were brought forward by European Powers. He said "that, whilst unable to face the engagements which superior force had imposed on them, it was utterly impossible for his Majesty's Government to contract, voluntarily, new obligations. They were not willing to reject, absolutely and definitively, our reclamations *in toto:* they could not, at this time, admit them. What he had now verbally communicated could not, for many reasons, become the ground of an official answer to my note. He had, therefore, concluded that a silent postponement of the subject was the least objectionable course, since, having now made our demand for indemnity, in an official manner, the question would be left entire for discussion at some more favorable time, after France was, in some degree, disentangled from her present difficulties." Mr. Gallatin states, in a despatch under date the 12th of July, 1817, narrating the substance of a conversation recently had with the same French minister, that the Duke said "that he wished it to be clearly understood that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered as founded in justice; that he was not authorized to commit his Majesty's Government by any positive promise, but that it was their intention to make an arrangement for the discharge of our just demands as soon as they were extricated from their present embarrassments." In April, 1818, when communicating to the Legislative Chambers of France the engagements which had been contracted to foreign Powers, the Duke de Richelieu uses the following terms: "France is liberated, both as to principal and interest, from all the debts contracted towards the subjects of the other European Powers prior to the 20th November, 1815." This limitation of the communication to European Powers, to the exclusion of the United States, was made at the instance of Mr. Gallatin, and was intended to preclude all supposition that any decision had been taken unfavorable to the American claims, (see Mr. Gallatin's despatch to the Secretary of State, under date the 3d of April, 1818.) On the 11th of February, 1819, on the occasion of presenting a note, under that date, to the Marquis Dessolle, the French Minister of Foreign Affairs, in behalf of the claim of Mr. Parish, Mr. Gallatin invites the attention of that minister to the consideration of American claims generally, by referring to his official notes to which he had received no answer. On the 29th December, 1819, the Council of State rejected the petition of the proprietors and owners of the

American ships Telegraph and Dolly, captured by the French frigates Medusa and Nymphe, and subsequently burnt at sea. On the 15th March, 1820, Mr. Gallatin addressed to Baron Pasquier an official remonstrance against that decision, and especially the grounds on which it was placed, and he demanded that the subject be laid before the King of France, and that the decision be revised and rescinded. He was afterwards informed by the Baron, that the remonstrance was referred to the Minister of Justice, who, to this day, as far as we are informed, has never reported or decided upon it.

On the 9th May, 1820, yielding to the entreaty of Mr. Parish, Mr. Gallatin addressed to Baron Pasquier a note in support of the class of claims known under the designation of the Antwerp cases, of which Mr. Parish's was one. To this note no answer was ever received. On the 31st October, 1821, Mr. Gallatin addressed another note to Baron Pasquier in behalf of the claim of Richard Paxon, a citizen of the United States, and took that occasion to remind the French minister that his note of the 15th March, 1820, relative to the cases of the Dolly and Telegraph, was unanswered. To this note no answer was ever given. On the 10th January, 1822, Mr. Gallatin addressed a note to the Viscount de Montmorency on the subject of the Antwerp claims, in which he discusses the subject at large. Neither to this note was any written answer given; but, on the 27th January, 1822, (see Mr. Gallatin's despatch to the Secretary of State, of the 28th of that month,) he had a conference with the Viscount on the subject of it, in the course of which, having referred him to the previous notes of the 9th November, 1816, and the 22d April, 1817, he again pressed the subject of our claims, and stated that, notwithstanding his repeated applications during a period of near six years, he had not been able to obtain redress in one single instance, and had not been even honored with an answer. The Viscount Montmorency at once answered, "that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim. He regretted (he added) that the settlement of this reclamation should have fallen on the present ministry." Mr. Gallatin, in a letter addressed to the Secretary of State, under date the 23d April, 1822, writes: "In several conversations I had with the Viscount de Montmorency on the subject of the Antwerp cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made, but I have not yet been able to obtain an official answer." Mr. Gallatin obtained from the Viscount permission to confer on the subject with Mr. de Villele. In that conference, it appeared to Mr. Gallatin that, although Mr. de Villele was cautious not to commit himself, "he was already satisfied, from the inspection of the papers in his department, and without having seen my arguments, that the claim was just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable." Without disputing the justice of the claim, Mr. Villele suggested several objections, founded on the magnitude of the wrongs committed by Bonaparte, and the alleged impossibility that France should repair them all. "The payments made by France to other Governments were the result of an agreement, (d'une transaction,) founded on equitable principles, and on an abandonment, on the part of the foreign Powers, of a considerable part of their claims. It appeared to him impossible that an application for funds should be made to the Chambers for the purpose of satisfying American claims, unless it was also the result of a transaction of a similar nature."

"Even in that case, the engagement to pay any sum, at this time, for that object, would, for the reasons already stated, and for many others arising from the change of Government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information that our commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussions of the two subjects had been separated—one being treated in the United States, and the other here; and he asked whether it was probable that the result of the negotiation at Washington would be known at Paris before the next session of the Chambers, which is to take place in June next." Mr. Gallatin adds: "I must say that these observations did not appear to me to be made with an intention of throwing new obstacles in the way of an adjustment of our claims, but for the purpose of stating the difficulties which the Government would have to encounter in any attempt to effect that object."

On the 3d of May, 1822, Mr. Gallatin addressed a letter to Viscount de Montmorency on the subject of the Antwerp claims, and, on the 18th of the same month, he had a conference with the Viscount on the subject of the American claims, which turned, principally, on the difficulties which France would find in effecting an arrangement with us. The result of a free conversation on what was practicable, seemed to be that a definitive agreement was preferable to a partial payment, and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum, in full discharge of the demands of the United States for spoliations, and to be distributed by their Government, or the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a sovereign chosen by the two Governments. On the 1st of June, 1822, the Viscount Montmorency returned an answer to the note of Mr. Gallatin of the 3d of May, in which he states: "The object of your claims is, without doubt, interesting to a great number of individuals, and we have also individual claims to make, which are likewise of great interest to the subjects of the King whom they concern. I would be the first to wish that the Government could be engaged with them; but you are not ignorant, sir, that there is, at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and America. The King's Council has judged that it was better to put off the examination of the individual claims until the negotiation upon the general interests was concluded; and, as soon as that shall take place, I shall hasten, sir, to move, in the King's Council, the examination of the claims which form the subject of your letter of the 3d of May."

On the 13th of June, Mr. Gallatin, in a note under that date, addressed to the Viscount Montmorency, in reply, protested against this new cause of procrastination.

Meanwhile, the convention of the 24th day of June, 1822, was concluded at Washington, and, on the 17th of August, Mr. Gallatin, in a note to Mr. de Montmorency, informs that minister, "that the cause assigned by your excellency, in your letter of the 1st of June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that letter, your excellency will be pleased to bring that important subject before the King's Council."

On the 24th of September, 1822, Mr. Gallatin, in a note addressed to the Secretary of State under that date, states: "I had yesterday a conference with Mr. Villele on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries: stated those to be, the reclamations of the United States for spoliations on their trade; those of France on account of Beaumarchais's claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked whether I was prepared to negotiate upon all these points. I answered that I was ready to discuss them all, but that I must object to uniting the

Louisiana question to that of claims for indemnity, as they were essentially distinct; and as I thought that, after all that had passed, we had a right to expect that no further obstacle should be thrown in the discussion of our claims by connecting it with subjects foreign to them."

On the 6th November, 1822, Mr. de Villele addressed a letter to Mr. Gallatin, in which, after adverting to the recent conclusion at Washington of the commercial convention between the two countries, he proceeds to observe: "If any partial difficulties shall still remain to be removed, they will be easily arranged between two Powers, who sincerely wish to establish their relations upon the most perfect equity.

"In this spirit of reciprocal justice, I have received the claims which you have done me the honor to transmit to me; and, without prejudicing any thing in their regard, I must, first of all, sir, remark to you that France has also claims pending, or to be produced to the Government of the United States. It would appear agreeable to the interest of the two parties, and to the reciprocity of justice and of protection to which the subjects of the two States have equally a right, that these affairs should be examined and arranged, unanimously by way of negotiation.

"His Majesty's intention would be, that these claims, and the other points in dispute upon which the convention of the 24th of June has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two States, especially in what concerns the duties received in Louisiana on the French commerce, contrary to the tenor of the eighth article of the treaty of cession.

"You will only perceive, sir, in this intention of his Majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding or of complaints between the two States, and on the part of their respective subjects.

"If you are authorized, sir, to follow this march, I pray you let me know, and I will hasten to demand of the King the necessary powers to a negotiator charged with treating with you."

In his answer, under date of the 12th November, 1822, to that letter of Mr. de Villele, Mr. Gallatin says: "I have special powers to negotiate a convention providing for the just claims of citizens of the United States against France, as also for the like claims of French subjects against the United States, with such person or persons as may have a like authority from his Most Christian Majesty. As minister of the United States, I am authorized to discuss the question respecting the construction of the eighth article of the Louisiana treaty, and to give and receive explanations on that subject, but the negotiation on that point having been transferred to Washington, no special powers, in that respect, have been transmitted to me. I had understood, in the course of the conference I had the honor to have with your excellency on the 23d of September, and had accordingly written to my Government, that it was not intended to insist that that subject should be blended with that of private claims. It is, indeed, obvious that it would be utterly unjust to make the admission of those to depend on the result of a negotiation on a subject with which they have no connexion whatever, and the difficulties respecting which are of a date posterior to that of the claims.

"All the representations which his Majesty's Government has made to that of the United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the Government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject in which they might happen to take a greater interest. The question concerning the eighth article of the Louisiana treaty, has, in particular, been the subject of a voluminous correspondence, in the course of which the arguments in support of the construction insisted on by each party, respectively, were made known to the other. I have, in the meanwhile, for six years, made unceasing applications to his Majesty's Government for the settlement of claims to a vast amount, affecting the interests of numerous individuals, and arising from flagrant violations of the law of nations, and of the rights of the United States, without having ever been able to obtain, to this day, satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have, at different times, been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it should be treated in connexion with one foreign to it, and which has already been discussed. The United States have at least the right to ask that their demands should also be examined and discussed, and I trust that, since I am authorized to treat as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay."

Mr. de Villele, on the 15th November, in reply to Mr. Gallatin's note of the 12th, insists upon the negotiation embracing all the points of disagreement between the two Governments, and, of course, the construction of the eighth article of the treaty of Louisiana, as well as the American claims. In transmitting this note to his Government, Mr. Gallatin justly remarks: "The object is too obvious to require any comment on my part, and this final decision leaves me no other course than to refer the whole to my Government."

The Viscount de Chateaubriand having succeeded Mr. de Villele in the French Department of Foreign Affairs, Mr. Gallatin having, the more he reflected on the subject, become better satisfied "that it was impossible that the United States should depart from the true construction of that article, and acquiesce in that contended for by France, and that a renewed discussion on that subject would be unprofitable, and lead to no result whatever," on the 27th February, 1823, in a note addressed to the Viscount, expressed that conviction.

Mr. Gallatin having returned to the United States, and left at Paris Mr. Sheldon in charge of our affairs, Mr. Adams, on the 13th August, 1823, addressed a despatch to him, transmitting copies of a correspondence which had passed at Washington between him and the Count de Menou, the chargé d'affaires of France. In the course of that correspondence, the count had offered, for his Government, to open a negotiation comprehending both the subjects of American claims, and the construction of the eighth article of the treaty of Louisiana. But these matters being totally distinct in their nature, the American Government declined acceding to the proposal to couple them together; and Mr. Sheldon was instructed respectfully to make a representation to that effect to the French Government, with the assurance of the readiness of this Government to discuss the question upon the Louisiana convention further if desired by France, but of our final conviction that it was not to be blended with the claims of our citizens for mere justice.

Accordingly, on the 11th October, 1823, Mr. Sheldon addressed a note to Viscount Chateaubriand, remonstrating against the forced connexion between those two subjects, and insisting upon a dissolution of that connexion, and that the American claims might be taken up "on their own merits, and receive the consideration which they deserved, unincumbered with other discussions." To this note no answer was received.

This narrative brings me down to the period of the commencement of your mission, and, for the purpose of extending it out to the present time, I will briefly advert to what has occurred on this interesting subject during your residence near the French Government.

On the 23d December, 1823, you were instructed by the Secretary of State, "immediately after your reception, earnestly to call the attention of the French Government to the claims of our citizens for indemnity. You will, at the same time, explicitly make known that this Government cannot consent to connect this discussion with that of the pretension raised by France on the construction given by her to the eighth article of the Louisiana cession treaty. The difference in the nature and character of the two interests is such, that they cannot, with propriety, be blended together. The claims are of reparation to individuals for their property taken from them by manifest and undisputed wrong. The question upon the Louisiana treaty is a question of right upon the meaning of a contract. It has been fully, deliberately, and thoroughly investigated, and the Government of the United States are under the entire and solemn conviction that the pretension of France is unfounded. We are, nevertheless, willing to resume the discussion if desired by France.

In execution of this instruction, you addressed a note to Mr. de Chateaubriand, under date of the 28th April, 1824. On the 7th of the next month, you received his answer, which, adhering to the ground previously taken, concludes by stating: "His Majesty authorizes me, sir, to declare to you that a negotiation will be opened with you on the American claims, if this negotiation should also include the French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

On the 14th August, 1824, you were informed by the Secretary of State, that "the President has deliberately considered the purport of Mr. Chateaubriand's answer to your note of the 28th April upon this subject, and he desires that you will renew, with earnestness, the application for indemnity to our citizens for claims notoriously just, and resting upon the same principle with others which have been admitted and adjusted by the Government of France. You are authorized, in reply (to the Viscount's note,) to declare that any just claims which subjects of France may have upon the Government of the United States will readily be included in the negotiation, and to stipulate any suitable provision for the examination, adjustment, and satisfaction of them. But the question relating to the eighth article of the Louisiana treaty is not only of a different character—it cannot be blended with that of indemnity for individual claims without a sacrifice, on the part of the United States, of a principle of right."

In conformity with this instruction, you addressed a note, under date the 22d October, 1824, to Baron de Damas, who had been recently appointed Minister of Foreign Affairs.

Receiving no answer to that note, you requested a conference with that minister, for which the 25th November, 1824, was appointed. At this conference, the Baron stated, as reasons for his omission to reply to your note, his recent appointment, the voluminous correspondence on the subject, and the press of business, but promised an answer, though he could not specify any precise time when he could transmit it.

On the 24th December, 1824, you addressed a note to the French minister, urging him to send you the promised answer.

On the 17th January, 1825, you reminded him, in a personal interview, of the time which had elapsed without your being favored with it. He replied that the subject was of great importance; that he was disposed, as soon as possible, to bestow upon it his most deliberate consideration; that much information was wanted from the different bureaux, and that it could not be very speedily procured. He asked "if our claims might not have been more favorably received if they had been presented to, and pressed upon the French Government about the year 1816." You told him that Mr. Gallatin had submitted our claims to the consideration of the French Government in that year, and had been induced not to press for an immediate answer, merely upon the suggestion made to him by the Duke de Richelieu, that he might expect a more favorable one by waiting until France could be relieved from the pressure of the army of occupation, and the claims made upon her by the Allied Powers. The Baron again renewed his promise to give an answer to your note as soon as he could find time to do so.

The answer being still withheld, you again addressed to the French minister a note, on the 18th of March, 1825, on the subject of our claims, and the unnatural connexion which had been created by the French Government between them and the Louisiana treaty, and urged him to answer your note of the 23d of the preceding October.

On the 20th of September, 1825, being still without the answer, you sought an interview with the French minister, in the course of which, he observed, "that he could not perceive that the United States had any well founded claim to indemnity; that he did not mean to say that the citizens of the United States had no cause of complaint against the former Government of France, he only intended to be understood as saying that the wrongs they had suffered were the consequences of a war, during the progress of which, injuries and acts of injustice had been committed upon other nations by France, to an amount which rendered it utterly impossible for her to make adequate reparation; that her whole territory, if sold for that purpose, would be insufficient to enable her to satisfy such claims; that, with a full knowledge of this fact, she had limited her indemnities to cases of the most flagrant description; that this principle had been observed in the treaties made between her and the European Powers; that other nations had suffered injuries similar to those of which the United States complained, and yet they had been excluded from indemnity; and that we had no right to expect that a different rule would be applied to the cases in which the interests of our citizens were concerned."

The French minister also intimated "that we ought to have urged the payment of our claims at the moment when France was entering into engagements to pay large sums to other Powers; and he seemed to think that, if we had done so, we might have obtained a portion of these claims."

At length, on the 11th of November, 1825, you received from the Baron de Damas the answer which had been so long delayed, and so often promised. In that letter, the Baron states, "the King of France, on reascending the throne, could not take, nor has taken, the engagement to satisfy all the charges imposed on him as indemnity for the acts of violence, and for the depredations committed by the usurping Government. The Powers which had united against that Government, and which, after having overthrown it, occupied with an armed force the greater part of the territory and the metropolis of France, enacted, on the restoration of peace, and as a pledge of the general reconciliation, her admission of certain claims preferred by their respective subjects against the preceding Government. Such was the object of the stipulations contained in the nineteenth and following articles of the treaties of 1814, and mentioned in two of the conventions of 1815. Those stipulations would not have been necessary, had the Royal Government been considered as inheriting all the charges existing against the Government which had just disappeared.

"The Federal Government may have seen that, in its

willingness to forbear from availing itself of the motives which authorized it to decline a discussion of the American claims, the King's Government gave to that of the United States a particular proof of benevolence, by consenting to the examination of those claims, and by announcing its intention to make it, together with other objects, a matter for negotiation.

"But it were erroneous to believe that this intention to negotiate respecting the American claims necessarily implied an acknowledgment of their validity. If their validity had been acknowledged, it would have been unnecessary to make them the object of negotiation; the only question would have been touching their liquidation. It is then with a view to discuss the rights of the American claimants, that the King's Government has declared its readiness to enter into communication with the Federal Government. Now, the latter having appeared to believe that it would be difficult for it to admit the claims preferred by France, respecting the execution of the eighth article of the Louisiana treaty, it is natural to suppose that this subject ought to be included in the same negotiation with the American claims, on which the King's Government finds itself authorized to express a similar opinion. It is, besides, but strictly fair that the claims of French subjects against the United States should equally be comprised in it.

"From these considerations, sir, your Government will not be surprised to hear that the King's Government persists in declaring that it will never consent to enter into negotiation on the American claims, unless that negotiation should equally comprise the French claims, and particularly the arrangements to be adopted as to the execution of the eighth article of the Louisiana treaty."

Such is a faithful account, derived from official correspondence, of the course of conduct which France has deemed proper to pursue in respect to the demands made by the American Government, for satisfaction of just claims, amounting, according to the schedule before mentioned, to a sum little short of ten millions of dollars, and founded upon unexampled wrongs. The American Government cannot contemplate it without unmixed regret and dissatisfaction. The arguments offered to the consideration of the French Government, in support of those claims, by your predecessor and by yourself, dispense with the necessity of my renewing, at this time, the discussion. They stand, to this day, unanswered, because they are unanswerable. I shall content myself with a few observations only upon some of the more prominent features of the correspondence.

The justice of the American claims has never been controverted by France, unless what has recently passed in the communication from Baron de Damas to yourself, (and which will be hereafter more particularly noticed,) is to be regarded as controverting them. It cannot be denied that a large portion of those claims has been expressly admitted to be just by more than one French Secretary of Foreign Affairs. A verbal offer was made upwards of ten years ago, by the Duke of Richelieu, then filling that department, of indemnity for vessels burnt at sea, and for those, the proceeds of which had been only sequestered and deposited in the Caisse d'Amortissement, which offer was promised to be put into writing, but the promise was not fulfilled. In subsequently declining to commit the French Government by a written proposal, it was stated by the Duke that they were not willing to reject, absolutely and definitively, our reclamations, but that they could not admit them at that time. And he afterwards repeated that he wished it to be clearly understood that the postponement of our claims was not a rejection. More than five years ago, the Viscount de Montmorency stated to Mr. Gallatin, that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim. On a subsequent occasion, (the 18th of May, 1822,) a prospect, unfortunately not afterwards realized, was presented of a satisfactory arrangement, by the payment of a stipulated sum in full discharge of the demands of the United States for spoliations, to be distributed by the American Government, or the reference of the whole case to a joint commission.

The causes which have hitherto delayed or obstructed the fulfilment of the well-founded expectations of the American Government, are far from being satisfactory. When our claims were first presented by Mr. Gallatin, in 1816, and for some time afterwards, the embarrassed state of France was urged by the French Government, as a consideration for their postponement to a more auspicious period. This period at last comes, when France is again powerful and prosperous, and her finances flourishing. We are then told that our claims might have been more favorably received in 1816. We have been unfortunately too soon or too late.

The commercial difficulties which afterwards arose between the two countries, and which originated with France, were made the pretext of a further postponement, until those difficulties should be adjusted. They were happily terminated by the convention at Washington of 1822. Then we had a right, confidently, to expect the long deferred indemnity. But where the disposition to redress wrongs does not exist, the means of evasion and procrastination will never be wanting. We can regard, in no other light, the claim brought forward by France under the eighth article of the Louisiana treaty. That claim has been fully examined, and elaborately discussed by the two Governments. Every argument has been exhausted; and the most respectful and patient consideration has been given to the pretensions of France. A clear conviction is felt by the American Government, that they are without foundation. Even if we could suppose France to entertain the opposite conviction, it would afford no just reason for withholding satisfaction of our claims. The two subjects are perfectly incongruous; one appertains to a contract, about the interpretation of which the parties may sincerely differ; the other arises out of wrongs committed in notorious violation of the public law, the character of which admits of no difference of opinion. One is national, the other individual. Supposing the respective claims of the two countries to be similar in their nature, the priority of injury gives us a right to prior satisfaction; nor can there be perceived any adequate motive for withholding that satisfaction, from the consideration of settling all matters of difference. The expediency of removing all causes of misunderstanding, if it be practicable, is readily admitted; but, if that be not attainable, it does not follow that none should be removed; and, especially, it does not follow that those should not be obviated which are attended with a deep sense of the aggressions from which they have had their origin.

It may be true, as alleged by Baron de Damas, that the King of France, in reascending the throne, "could not take, nor has taken, the engagement to satisfy all the charges imposed on him as indemnity for the acts of violence, and for the depredations committed by the usurping Government;" and yet the obligations of France to redress those acts and depredations may be perfect. It is not necessary to discuss the question of usurpation which is put forward. It is sufficient for us, that those acts and depredations proceeded from the actual Government of France; and that the responsibility of France to make reparations for wrongs committed under the authority of any form of government which she may have adopted, or to which she may have submitted, from time to time, cannot be contested. The King of France, in reascending the throne of his ancestors, assumed the government, with all the obligations, rights, and duties which appertain to the French nation. He can justly claim absolution from

none of those obligations or duties. And our complaint is precisely that he has not taken upon himself the engagement to make that indemnity to which American citizens are entitled, in consequence of the wrongful acts committed under previous French Governments.

That engagement might have been voluntarily assumed by the King of France, from a spontaneous sense of justice, and the claims of American citizens satisfied without the interposition of the Government of the United States. It is because that has not been done, that this interposition became necessary, and, for the last ten years, has been constantly made.

The Government of the United States is ever ready to acknowledge any proofs of justice or benevolence which may be exhibited by foreign nations towards its citizens. It regrets that it cannot concur with Baron de Damas in estimating, as among that number, any consent which France has hitherto given to examine the American claims, especially since that examination has been hitherto eluded, and the consent itself coupled with inadmissible conditions.

Nor can the President admit the propriety of associating, in the same negotiation, the disputed demand under the eighth article of the Louisiana treaty, and the incontestable claims of American citizens, a large portion of which, it has been seen, so far from being questioned, has been admitted by France to be just.

He sees, therefore, with surprise and regret, the adherence of France to the principle of such an unnatural connexion. But whilst the American Government must constantly protest against it, and reiterate its strong conviction that the French pretension under the Louisiana treaty has no just foundation, I am charged by the President to instruct you to afford a new and signal proof of the equitable disposition of this Government, by proposing to that of France, as a basis for the settlement of the question under that treaty, that it be referred to arbitration. Should that basis be agreed to, it will then become necessary to specify the particular question to be submitted, and the details of the arbitration. By the commercial convention between the two Powers, concluded in 1822, there will be, on the first day of October next, a perfect equalization of duties on the vessels, and their cargoes, of the two countries employed in the trade between them. The complaint of France has been, that this equality did not exist, but that French vessels and their cargoes have been liable, in the ports of Louisiana, to pay the alien duties imposed by the laws of the United States, from which duties British vessels were exempt; and her claim is, the reimbursement of those duties. Should the proposed basis, therefore, be acceded to, you are authorized to refer to arbitration the question whether France be entitled or not to have refunded any of those alien duties collected from French vessels or their cargoes, between the periods of the date of the Louisiana treaty, and the first day of October, 1827; and if the demand be sustained by the arbitrators, that they shall then proceed to determine the amount which is to be so refunded; which amount shall be credited to France against the American claims, and, if it should exceed them, the excess shall be paid by the United States.

Two modes of constituting an arbitration present themselves. One is to refer the question to a friendly Power; the other, to submit it to individuals to be chosen by the parties. If it were referred to a friendly Power, some functionary of the Government of that Power would probably be designated to examine, and, in effect, decide the question. For that reason, and because no friendly Power would, perhaps, be very willing to undertake the arbitration, it would be most expedient to submit the controversy, at once, to individuals selected by the parties themselves. You are authorized, therefore, to propose that each Power shall appoint one or two citizens, or subjects, being natives of some other nation, and that the two or four so appointed shall be authorized to appoint a third or fifth, also, being a citizen of some nation other than the United States or France; and that the three or five persons, (as the case may be,) thus appointed, shall be empowered to hear and decide the question, as above stated, arising under the eighth article of the Louisiana treaty; and if the decision be favorable to France, to affix the amount to which, in consequence of it, she may be entitled.

Should the arbitration be agreed to, other details will be necessary as to the oath to be taken by the arbitrators, their compensation, the time and place of their meeting, the duration of the arbitration, and the right of the parties to be heard by their agents; to all of which you are authorized to agree. Models for the draught of articles, comprehending similar details, are furnished in several of our treaties, particularly those with Great Britain in 1794, and in 1814 at Ghent.

It will probably be most advisable to propose the basis of an arbitration in general terms, and not to state the precise question as above defined, and the other details, until that basis shall have been agreed to.

Possibly the French Government may offer to refer the question, upon the condition of submitting to the same arbitration the American claims and those of France. You will oppose that condition on the ground of the difference in the character of the two subjects, and for the reasons which have been urged by this Government against their being comprehended in the same negotiation.

Should France prefer the reference of the question to a sovereign Power, instead of private persons, you may agree to such a reference. We are not prepared, nor is it necessary in the present stage of the business, to designate the sovereign Power, nor the persons to whom we should be willing to submit the matter. Ample time will probably be afforded, during the progress of the negotiation, to make such a nomination; or, should France promptly agree to the reference, and you should deem it inexpedient to wait for further instructions from this department as to the arbitrators, a clause may be inserted in the convention, providing that the two Governments shall, within a period of (say) six months, agree upon a nomination of them.

Whatever may be the nature of the reception, or the ultimate fate of the overture which you are now authorized to make for the settlement of the question growing out of the Louisiana treaty, you will earnestly press for a satisfaction of our claims. The instructions heretofore given to your predecessor and to yourself, indicate the modes according to which the amount of them may be ascertained, and indemnity may be secured, and also authorize provision for any just claims of French subjects on the American Government.

I am, with great respect,
Your obedient servant,

H. CLAY.

DEPARTMENT OF STATE,
Washington, May 17, 1828.

SIR: Upon consulting with the President, he authorizes me to say that it is left entirely to your option to return at the time you have asked permission to return, or to postpone it until the next spring. Whether at the one period or the other, you will commit the charge of our affairs to Mr. Sheldon, the secretary of legation, if he be still with you.

Referring to the instructions under date the 28th May last, relative to a reference to arbitration of the disputed question arising under the eighth article of the Louisiana treaty, you are authorized (if you cannot prevail upon

the French Government to consent to the reference, in the qualified manner proposed in that instruction) to agree to the reference of the general question involved in that dispute; that is, one so stated as to embrace all the rights claimed by France according to her interpretation of that article. In other respects, you will consider the abovementioned instruction unmodified.

I am, respectfully,
Your obedient servant,
H. CLAY.

JAMES BROWN, *Envoy Extraordinary and Minister Plenipotentiary to France.*

Extract from the general instructions of the Hon. M. Van Buren, Secretary of State of the United States, to Wm. C. Rives, Esq., Minister Plenipotentiary of the United States to France, dated

DEPARTMENT OF STATE,
Washington, July 20, 1829.

* * * * * * *

The archives of the legation will inform you of the various other subjects which have been committed to your predecessor, are yet undisposed of, and will require your attention.

Those of the most immediate concern, and greatest importance, are,

1. The claims of many of the citizens of the United States upon the French Government for indemnity.

2. The pretension raised by the French Government to special and exclusive privileges in the ports of Louisiana, by virtue of the eighth article of the Louisiana cession convention, and for the reimbursement of duties alleged to have been wrongly paid to the United States in said ports.

The claims of our citizens are a subject of the deepest interest, not only on account of their amount, the aggravated injuries of which they are the results, and the great length of time during which those injuries have remained unredressed; but, also, because a continued disregard, on the part of France, of the reiterated appeals which have been made to her justice, must have an unavoidable tendency to jeopard the friendly relations now happily existing between the two countries, and which it is the earnest desire of the President to preserve. It is his wish that their adjustment upon terms of reciprocal justice should be made the subject of your early and unremitted exertions. The instructions of your predecessors will give you a general view of their character, with conjectures founded on insufficient materials as to their probable amount. As many of these claims are founded upon different principles, and are viewed in different lights by the French Government, I have thought it useful to make a discrimination between them, by throwing them into different classes, with the best estimate that could be made, from the evidence in this department, as to the probable amount of each class. This classification is made from materials of an uncertain character, and is, probably, in many respects, incorrect. But as it is not to be made the basis of a specific allowance, but merely to facilitate your discussions, and to enable you to judge more understandingly of such offers as may, in the course of your negotiation, be made by the French Government, the possibility of errors in description and amount is not regarded as detracting much from its usefulness.

The following is the classification to which I allude:

First class. Claims prior to 30th September, 1800, recognised by the fourth and fifth articles of the treaty of that date, but either pretermitted by the treaty of the 30th of April, 1803, or, through various causes, not included in the settlement made at Paris by the board of claims, and remaining in force by virtue of the treaty of 1800, and the 10th article of that of 1803, amounting, per schedule herewith, to - $1,488,833 99

Second class. Claims accruing between the 30th September, 1800, and the 30th of April, 1803, for debts contracted within that period, and provided for by the 12th article of the treaty of 1803, amounting, as per schedule, to - - - - 134,786 06

Third class. Claims accruing between the 30th of September, 1800, and the 30th April, 1803, from all causes other than debts, and captures made between the date and ratification of the treaty of 1800; those debts and captures being provided for by the fourth and fifth articles of that treaty, and included in the first class, amounting, as per schedule herewith, to - - 75,704 53

Fourth class. Claims between the 30th of April, 1803, and the year 1805, and arising from all causes whatsoever, amounting, as per schedule herewith, to - - 1,065,081 98

Fifth class. 1st. Claims subsequent to 1805, chiefly growing out of the decrees and orders of the French Government, on which no final condemnation was passed, amounting, as per schedule herewith, to - - - $6,256,647 69

2d. Claims of the same nature, but finally condemned by the Council of Prizes, Council of State, or by imperial decisions and orders, amounting, as per schedule herewith, to - - 3,026,231 84

9,282,879 53

Exclusive of interest. Aggregate - $12,047,286 09

Schedules of the particular cases included in each of the classes are herewith delivered to you, with numbers corresponding with the printed lists, also herewith placed in your hands.

The justice and present validity of these claims have already been fully discussed on the part of this Government. By a reference to the archives of the legation, you will be able to possess yourself of the grounds which have been taken in their support. Those originally insisted on by us remain to this day unanswered by the French Government, otherwise than by occasional suggestions in the conferences which have, from time to time, taken place between their respective ministers of foreign affairs and the representatives of the United States at the court of France. Indeed, the justice of large portions of the claims of our citizens has been again and again admitted, and sometimes in the strongest terms, by several of the French ministers of foreign affairs, since the year 1816, when the subject was brought to the notice of the present Government of France by Mr. Gallatin. The reports made to this department by Mr. Gallatin and Mr. Brown, of which copies will be found among the papers of the legation, will supply you with information as to the extent and character of those admissions, and it is, therefore, deemed unnecessary to repeat them here. Among the French ministers who have, at times, evinced a desire to consult the honor of that Government, and the true interests of France, by admitting the justice of our claims, and by a disposition to contribute to their adjustment, will be found the respectable names of the Duke de Richelieu, Viscount de Montmorency, Mr. de Villele, and Count de la Ferronnays.

It is worthy of observation, that those who have been entrusted with the management of the foreign relations of France since the restoration, have studiously avoided committing the honor of their Government, by a distinct denial either of the justice of our claims, or their binding obligation upon the present Government, in their official communications. The only instances which may be claimed as exceptions, are, the letter of Baron Louis, Minister of Finance, to Mr. Parish, (a claimant,) of the 22d May, 1819, and one from the Baron de Damas to Mr. Brown, of the 11th of November, 1825. These militate but slightly, if they do at all, against the truth of the position I have advanced. The letter of Baron Louis was not the act of the French Government. It was not addressed to this Government, but in the form of an answer to private application in behalf of one of our citizens. Viscount de Montmorency, whilst Minister of Foreign Affairs, expressed his regret to Mr. Gallatin that such an objection as that raised by Baron Louis had been made; and Mr. de Villele, whilst in the Department of Finances, appeared, in an interview with Mr. Gallatin, (which was had by the permission of the Minister of Foreign Affairs, Viscount de Montmorency,) to be satisfied, from an inspection of the papers in his department, and without having read Mr. Gallatin's argument, that our claims were just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable.

The struggle in the mind of Baron de Damas, between an unwillingness to commit his Government by an explicit denial of the validity of our claims, and the difficulty of still further delaying their adjustment, without doing so, is very discernible in his letter to Mr. Brown of the 11th November. To extricate himself from this embarrassment, he commences by denying what had not been affirmed, viz. that the King of France, on reascending the throne, had taken upon himself the engagement to satisfy all the charges imposed upon him as indemnity for the acts of violence of the usurping Government, and concludes by converting a distinct, unvarying, and definitive denial, on our part, of their claims under the Louisiana treaty, into an appearance of a belief that it would be difficult for our Government to admit them, for the purpose of enabling himself to say that the King's Government finds itself authorized to express a similar opinion. That such were the feelings under which his letter was written, and such its designs, is plainly to be inferred from its contents.

But although such has been the course of the French Government in its official communications with this, it is nevertheless true that her public functionaries have repeatedly, in their informal conferences, attempted to weaken, if not wholly to impeach, the justice of the claims of our citizens. A critical examination of the reports which have, from time to time, been made to this department by our ministers in France, so far as they bear upon this point, is recommended to you. It will show you that the views of the French Government in relation to our claims have not been as favorable as the published correspondence would induce you to suppose. This arises from the suppression (in most, if not all cases necessary) of parts of the correspondence of our ministers. It will also inform you of the different grounds taken, in resisting our claims, by the French ministers; and thus enable you to meet them by appropriate replies, should they be revived.

The objections alluded to, though in some few instances tantamount to a denial of the validity of the whole of our claims, have been urged rather in the form of inducements to dissuade us from insisting upon their satisfaction at particular times, and to their whole extent, than as a positive rejection of them as untenable.

They will be found to consist chiefly in the following assumptions, viz.

1st. That they are State claims, and ought to have been pressed at an earlier period.

2d. That we had similar claims upon England and Naples; and, not having enforced them, we ought not to insist upon their satisfaction by France.

3d. That the present Government of France is not responsible for the acts of what is called the usurping Government.

4th. That our claims are very large, and that their allowance would be acknowledging a responsibility, on the part of France, which she would not have the ability to discharge, and that, as the European Powers have been satisfied with portions of their demands only, and those received upon principles of compromise, we ought to do the same. And,

5th. That there is a distinction between two classes of the cases since 1805; and that for one of those, in particular, we have no ground of claim.

You will have but little difficulty in refuting objections so unfounded. I shall only touch upon a few of the most prominent views which may be taken of them.

The objection that this is, on the part of this Government, the revival of ancient claims which have been heretofore virtually abandoned, is unfounded in fact, and comes with an extremely bad grace from the present Government of France.

It appears, abundantly, from the correspondence between the two Governments, that our claims previous to 1805 have never been lost sight of. With respect to the great mass of the claims, being those which grew out of the French decrees, and accrued since 1805, the allegation is still more strikingly ungracious and untrue. The remonstrances and applications for redress commenced with the aggressions which occasioned them, and kept pace with their progress. Mr. Barlow was sent out soon after their termination, with special instructions to insist upon their satisfaction. A protracted discussion of their merits took place between him and the then French Government, and we have every reason to believe that the terms of an adjustment were concluded upon by him, which would have secured redress for a great portion of our claims, had the consummation of the treaty not been prevented by his premature and lamented death. His successor, Mr. Crawford, was enjoined to make the subject of our claims a leading object of his attention, and instructed to decline all negotiation with the French Government, if portions of them, at least, were not promptly recognised. Immediately after the restoration, Mr. Gallatin was sent to France, and the subject of our claims made a prominent point in the affairs committed to his charge. He brought the subject distinctly to the notice of the French Government; and the six years of his mission were distinguished by the most earnest, able, and incessant, but entirely unsuccessful appeals to its justice. From the period of his return to the present day, the subject has not been suffered to sleep, as the archives of the legation will prove.

This objection is ungracious on the part of the present Government of France, because it will appear, by their own records, that Mr. Gallatin was earnestly solicited, in 1816, shortly after the restoration, not to press the settlement of our claims at that period, on account of the then distressed and embarrassed condition of France; because, whatever of relaxation took place, was in consequence of appeals to the generosity and magnanimity of this Government, accompanied by the most flattering assurances of a more favorable consideration under more auspicious circumstances; and, finally, because it is a fact (as will hereafter be seen) that all the subsequent delay has resulted from obstacles interposed by France, which it is difficult to reconcile with any thing like a sincere desire to do us justice.

Assuming, what should not be contended, that one na-

tion can find its justification for her disregard of claims of admitted justice in a similar delinquency on the part of other nations, still the circumstances of the different cases would not, in this instance, allow France to screen herself behind so ungracious a pretension. It was, among other causes, for the aggressions upon our commerce under the orders in council, that the United States made war upon Great Britain; and, having negotiated a peace without stipulation for indemnity in that particular, her case is widely distinguishable from that of France. If we were now to prefer a claim against France for the many millions of which the citizens of the United States were despoiled by her previous to the year 1800, and for which no provision was made by the treaty of that year, there might be some analogy in the cases, and, consequently, more force in the argument. The character of Murat's domination in Naples, too, furnishes a pretext to that Government to delay doing us justice, of which France cannot avail herself; to say nothing of the influence which she herself had in causing the injuries of which we complain, and the consequent impropriety of all attempts to shelter herself under the cover of the Neapolitan aggressions.

The alleged irresponsibility of the present Government of France for the acts of those which have preceded it, is matter of graver import, and, if it could be sustained, would be an objection that would strike at the root of all our claims. The first consideration worthy of notice is the manner in which this widely operative doctrine has been advanced by France. It was not until the discussion had continued for rising of a year between the Duke de Richelieu and Mr. Gallatin, that the former ventured to broach a doctrine so flagrantly unjust, and then it was done hesitatingly, and in an informal conference. To the present day, notwithstanding the discussions upon the subject of our claims have been carried on with no less than eight different ministers of foreign affairs, the principle has never been distinctly avowed in the official communications of the French Government. Of the extent to which the acting Governments of France, upon whose acts the claims of our citizens are founded, were acquiesced in by the French people, and recognised by other nations, it cannot be necessary to say any thing. The facts are familiar to you, are known to the world, and cannot be made matters of contestation. That the present Government of France is, by the established principles of public law, responsible for those acts, is not, at this day, an open question among civilized nations. The consequences of an opposite doctrine would strike at the root of all confidence in the dealings between different nations. If a people could discharge itself of its obligations by changing a Government of its own establishment, or which it had made legitimate by its acquiescence, all security for national transactions would be at an end, and one of the greatest advantages which has been produced by the lights of civilization and improvement defeated. There are no Governments in Europe to which France could look for countenance in maintaining such a doctrine, for there are none who have not themselves acted upon a different principle. The doctrine advanced is no less inconsistent with her own conduct. In the indemnity made by her to the principal Powers of Europe, in the years 1814 and 1815, not only France, but all those Powers, gave their assent, in the most solemn manner, to the principle for which the United States contend. It is in vain to say that those indemnities were for the debts of the preceding Government, and not for spoliations, or to refer to the condition of France at that period. There were reasons of the most imperative character, to which it is not necessary to make to you particular references, and which are not applicable to the United States, why the abandonment of claims for spoliations, on their part, should not furnish a rule for the adjustment of those of which we complain; and France will not, it is believed, avow, even now, that those who came to deliver her from oppression, availed themselves of their power to increase that oppression, by making France responsible, without right, for injuries which they themselves had received from the same source. So far from that being then supposed to be the case, the principle of indemnity was claimed by the allies, and distinctly admitted by the French plenipotentiaries. Whatever deductions the Allied Powers might, for various reasons, see fit to make from the amount of their claims, the fact that whatever was allowed was claimed and paid upon the avowed and uncontested principle of the responsibility of the present Government of France for the acts of the former Government, is in no sense doubtful. It is only so far that these transactions are entitled to a bearing upon the present question, and their influence should be deemed obligatory. Even with the United States does France act upon a different principle. Upon what grounds, other than that the present Government succeeds of right to all the advantages secured to France by stipulations made in favor of the former Government, is it, that her claims under the eighth article of the Louisiana treaty are founded; and could she allow herself to contend that she should be permitted to reap all the advantages accruing from the acts of the preceding Government, without being subject, also, to the liabilities and disadvantages flowing from the same source? She has, also, in the administration of her internal affairs, in many instances, and in the most solemn manner, given her assent to the obligatory character of the acts of the sovereign authority for the time being. Upon what other principle have the sales of the national domains, and of the estates of the emigrants, been confirmed, or the latter indemnified for the property of which they had been divested by a former Government? These were two of the most important acts of the existing Government, and both find their justification in the same principle.

The President is not insensible to the considerations of delicacy that belong to the subject, and which grow out of past transactions, in which the present reigning family of France have been made to suffer by the same Power against whose acts we now call upon them to indemnify us; nor is he unwilling to give to that circumstance all allowable influence. If entitled to any weight at all, it can only be as to the amount of remuneration upon which the United States should insist; for it must not be forgotten, that, in respect to them also, the doctrine contended against has bearings steering wide of, and of infinitely greater importance than the subject under discussion. The same principle which would exonerate France from her liability for the claims in question, could, with equal propriety, be made hereafter the pretext for questioning our title to territories which constitute two of the sovereign States which compose this confederacy.

There is no good reason to apprehend that the allowance of our claims, by France, would revive similar, but dormant claims on the part of European Powers. Their claims have been adjusted upon terms which have received their fullest sanction, and, even if the cases were similar, a present allowance to the United States would not furnish ground for an application to open settlements so solemnly and so deliberately made; for there were inducements that entered into those arrangements which could not be expected to operate on the present occasion. But, as has been before said, the cases are entirely dissimilar. The aggressions complained of by them were belligerent acts committed in a time of open war, for which, by the law of nations, the aggressor was not bound to make remuneration. Those of the United States were of a directly opposite character, and, of course, subject to very different rules.

The extent of our claims, the hardship of the case in

consequence of the change of Government in France, the amounts which she has already paid, and her ability to meet them with convenience to herself, if entitled to weight, can only be taken into consideration in fixing the amount of compensation to be made.

In almost all the discussions and conferences which have taken place between the ministers of the two Governments, a distinction has been attempted between that portion of our claims which is for property that never was condemned, and for that which has actually been confiscated. The first embraces vessels burnt at sea, and those which have been sequestered by order of the Government, without any condemnation or final decision, and the proceeds deposited in the Caisse d'Amortissement. For these two classes of claims, the French Government has repeatedly shown itself disposed to make compensation, and it is not expected that you will be troubled with much discussion in regard to them. They admit of but one reply, save that of their satisfaction, and that is, an obstinate and indiscriminate determination to refuse to do us justice.

The grounds relied upon by the French Government to defeat the other class of cases is wholly untenable. The decrees of France, out of which those claims have arisen, were, in themselves, a violation of the established law of nations; and, as such, no condemnation under them could justify the seizures that had been made, nor exonerate the Government from its liability to make indemnity whenever the period should arrive in which acts of unmeasured and inexcusable aggression gave way to a just consideration of private rights, and a respect for public law. So far as it respects all seizures prior to the 31st of July, 1809, (the period at which the treaty of 1800 terminated,) they were in direct contravention to that treaty. But even admitting that France had a right to issue the Berlin and Milan decrees, the manner of their execution was, in most cases, such as to sustain the claims that are now presented. Several confiscations were made by "imperial decisions," without previous trial or condemnation, in direct violation of the law of nations, and of the treaty of 1800, limiting to prize courts the cognizance of such cases. Some of the decisions of the Council of Prizes had been made without the forms prescribed by law. The decrees of Berlin and Milan were made to have a retrospective operation. Forty-eight vessels and cargoes, previously captured, were condemned subsequently to their revocation; and several vessels captured after the revocation were condemned on frivolous pretences.

These, and other considerations, constitute just grounds for the revision of the condemnations that were made under the circumstances referred to; a course by no means novel, authorized by the practice of England, and which was made the subject of a treaty stipulation between her and the United States in 1794.

That claims so well founded, so promptly asserted, and assiduously prosecuted, should remain to this day unredressed, is a matter of surprise and regret, and gives interest to a review of the causes by which such injurious and unjustifiable delay has been produced. It is unfortunately too true, that, in the reasons which have from time to time been assigned for procrastination on the part of the French Government, will be found too much ground for inferring a settled indisposition, on its part, to come to a just and liberal adjustment of the matters in difference between the two countries. Nothing is further from the wishes of the President, than a desire to increase the asperities already existing, by an indulgence in unprofitable invectives; but to say less than this, might with much propriety be regarded as evincing a want of proper sensibility to the violated rights and unmerited sufferings of our citizens.

In the early stages of Mr. Gallatin's mission, as has been already stated, the consideration of our claims was deferred on the express ground of the embarrassments of France, and under assurances of future redress, which might well be regarded as precluding all apprehension of an ultimate rejection. It is not the least among our causes of mortification and complaint, that the delay thus created should afterwards be urged as an evidence of a waiver of the claims in question. When France, by the force of her almost unequalled resources, had redressed herself, and recovered her former prosperity, her attention was again called to the subject. The existence of commercial difficulties between the two countries was next assigned as a ground for further delay—the propriety of attending to national in preference to individual interests strongly urged, accompanied with assurances on the part of the then Minister of Foreign Affairs, that, after those were arranged, France would hasten to an adjustment of the subject of our claims. By objections raised to the commercial convention, which experience has shown to have been unreasonable and unwise, that negotiation was protracted until June, 1822, and thus a delay in the examination of the subject of our claims for several years effected. Immediately after the conclusion of that treaty, the French Government was again invited to open a negotiation upon the subject of our claims, when she interposed her pretensions under the eighth article of the Louisiana treaty, and insisted upon making it a branch of the same negotiation. That the United States would ever acquiesce in the construction put upon that treaty by France, could hardly have been expected by her. Its assertion, together with an unyielding determination to mingle its discussion with the entirely dissimilar subject of private and incontestable rights, has had the effect not only to defeat the adjustment of our claims for the last six or seven years, but has also hitherto prevented all negotiation upon the subject. That it never should have been suffered to defeat the satisfaction of the just demands of our citizens, is certain; how far it ought to have been allowed to produce the latter result, is another question. Of this, a fuller notice shall be hereafter taken. It is, in the first instance, important that you should be fully and distinctly apprised of the effects already produced by the interposition of this claim, and the positions which have from time to time been occupied by the respective Governments in reference to that matter.

In August, 1822, Mr. Gallatin, in a note to Mr. de Villele, reminded him of the conclusion of the negotiation at Washington, and of the promise of the French Government to enter upon the consideration of our claims as soon as that measure should have been accomplished. Mr. de Villele, in reply, expressed his readiness to open a negotiation upon all the remaining subjects of difference between the United States and France, which he describes to be the claims of Americans against France for spoliations, and those of France against the United States on account of the Beaumarchais claim, and particularly her claim under the eighth article of the Louisiana treaty; and desired to know whether Mr. Gallatin had authority to conclude an arrangement upon those points. Mr. Gallatin had declared that his authority extended to discuss the right of France to a claim under the Louisiana treaty, but not to conclude an arrangement upon that point; stated the expectation of his Government that those subjects would be kept separate, and expressed his readiness to enter upon a final negotiation of the other matters in difference. Mr. de Villele, in reply, insisted upon including all the subjects. Mr. de Chateaubriand having succeeded Mr. de Villele, Mr. Gallatin, before he left France, addressed a note to him, complaining of the course pursued by Mr. de Villele in insisting upon connecting the two subjects in one negotiation, and assigning his reasons why they ought to be separated, and why he would regard a perseverance in that course as tantamount to an indefinite postponement of the American claims.

Mr. Sheldon was informed by Mr. Chateaubriand, after Mr. Gallatin's departure, of the readiness of the French Government to open a negotiation upon both points, and of the reasons for insisting upon the propriety of so doing. Count de Menou was also instructed to communicate the regrets of Mr. de Chateaubriand that Mr. Gallatin had not been provided with the necessary powers to carry on the twofold negotiation; that he would be ready to commence it with Mr. Gallatin, if he should return with such powers, or with Mr. Sheldon, if his Government should think proper to authorize him to that effect. This was communicated in July, 1823, to our Government, and Count de Menou was informed by Mr. Adams that this Government would never consent to connect the two subjects in the same negotiation. This correspondence was sent to Mr. Sheldon, and the views of this Government in that respect repeated to the French Minister of Foreign Affairs, who, in a verbal conference with Mr. Sheldon, reasserted the grounds the French Government had taken, and the reasons for it.

Mr. Brown was sent out early in 1824. He was instructed to call the immediate attention of the French Government to the subject of our claims, but to inform them, preliminarily and distinctly, that we could not consent to make the two matters the subject of the same negotiation. Mr. Brown, on the 28th of April, 1824, communicated the views of this Government to that of France, and requested the commencement of a negotiation upon all the subjects of difference, except the construction of the Louisiana treaty. He was informed by Mr. de Chateaubriand, on the 7th of May, that the excepted French claim had been presented during the negotiation of the convention of 1822; that the plenipotentiaries having differed upon that subject, it was not insisted on, in order not to impede the settlement of the commercial difficulties; that his Government had therefore reserved it for future consideration, but had never abandoned it; that it was for this reason that his predecessors had desired to embrace it in the negotiations, and that he was authorized to open one with Mr. Brown upon that and all other points of difference between the two Governments; but that they could not consent to waive the subject of their claims under the Louisiana treaty in the proposed negotiation.

After the succession of Baron de Damas to the office of Minister of Foreign affairs, Mr. Brown, in October, 1824, placed before him his correspondence with Mr. Chateaubriand; informed him that any just claims which French subjects might have upon the United States, might be embraced in the negotiation; but the question under the Louisiana treaty, being one of a different character, could not be blended with that of claims for indemnity; but avowed his readiness to continue the discussion upon the subject, if it was desired.

In November, 1825, Baron de Damas replied, and after denying the claims of the United States, in the form already stated, a denial which there is every reason to believe was called out by the emphatic manner in which Mr. Adams, in his note to Count de Menou, had insisted upon the fact that our claims had never been controverted by France, and declared that the French Government would never consent to enter into negotiation on American claims, unless that negotiation should equally comprise the French claims, and particularly the arrangement to be adopted as to the execution of the eighth article of the Louisiana treaty.

An unsuccessful attempt was made, on the part of this Government, in the year 1827, to extricate the negotiation from this preliminary embarrassment, by an offer to submit the question upon the construction of the Louisiana treaty to arbitration; but the offer was not accepted by France, as will be more particularly stated hereafter. The relative positions of the two Governments have undergone no material change from the period of their respective declarations, in regard to the admission on the one side, and exclusion on the other, of the question arising upon the Louisiana treaty, each insisting upon its demand as a *sine qua non* to the commencement of any negotiation. In several conferences between Mr. Brown and the Count de la Ferronnays, during the short period that the latter was Minister of Foreign Affairs, he evinced very liberal and friendly views, but did not commit his Government upon any point. Since that time nothing has been done.

The views of France could not well have been better served than by the posture of affairs since 1822. By it they have been enabled to avoid as well the just claims of our citizens, as the necessity of giving to them a direct and definitive rejection, and to draw the discussions between the two Governments from the merits of the respective claims to the forms of the negotiation for their adjustment. In this, however wrong her Government may be in its position, France is, nevertheless, a great gainer.

It will be your first business to endeavor to relieve the future discussion from the embarrassments that have resulted from the past; and to do this without committing your Government upon a point which it can never yield, or justifying expectations which cannot be realized, will not be the least delicate or difficult portion of your official duties.

The President concurs in the expediency of separating the two subjects, if that can be done, but he does not find, in the circumstances of the case, any consideration sufficiently imposing to justify a refusal to negotiate, unless our wishes in that respect are complied with.

His instructions to you, therefore, are, that an earnest attempt be first made to induce the French Government to open a negotiation upon the principles advocated by the late administration of this Government, but that, in the event of a failure to produce that result, you shall agree to one embracing all matters in difference between the two countries. It is not believed that other than informal conferences will be necessary to satisfy yourself on the first point. Should you, however, find it otherwise, you will pursue such course as may seem to you best adapted to effect the object in view.

It will be your special duty to see that the charge of the present positions of the two Governments be effected in such a form as not to commit this upon the claims set up by France under the Louisiana treaty. The apprehension appears to have been that, by consenting to negotiate upon that subject, we would admit the construction set up by France, and thus bring the question down to one as to the extent of indemnity only.

The Baron de Damas, in his letter to Mr. Brown, of the 11th November, 1825, says: "It were erroneous to believe that the consent to negotiate implied an acknowledgment of the validity of those (the American) claims. Had this validity been acknowledged, no negotiation would have been necessary, and the only question would have been touching their liquidation. It is in order to discuss the rights of the American claims that the King's Government has declared its readiness to enter into communication with the Federal Government, &c."

The application of these views to the opening of your negotiation with the French Government, will effect all the just objects of both parties. Our claims upon France do not stand in need of any aid from inferences and deductions which may be supplied by the forms of negotiation; no such assistance is desired, nor can we consent to give any advantage to her in that respect. Whatever may be considered to be the principles of diplomacy upon a similar point, they must at all times be subservient to the declared views and explanations of the parties. In making such as you may deem requisite on the occasion, you will be careful, whilst you preclude the inference alluded to, to avoid a form of expression which will show on its face that our consent to the negotiation, in the

mode proposed, is merely formal. Such is not the case. Our desire is to bring the two Governments, if possible, to a happy and satisfactory adjustment of all the points of collision, but, at all events, to an intelligible and definitive expression of their respective determinations: so that one or the other of these results be effected, we are indifferent as to the form of negotiation through which it is to be approached.

In the negotiation thus commenced, you will exhibit the claims of the United States in behalf of our citizens, in such form as you may deem best calculated to possess the French Government fully of their character and extent. If they agree to make indemnity, you are authorized to adopt the mode of liquidation and adjustment, and the terms of payment, proposed by Mr. Gallatin in his letter to the Duke de Richelieu, of the 9th of November, 1816, making allowances and provision for such claims as are upon the schedules now delivered to you, and which were not embraced by that letter.

If the French Government again interposes its pretensions under the eighth article of the Louisiana treaty, you will place before it a brief but explicit and full view of the grounds upon which this Government cannot concur in the construction claimed by France.

The discussions which have already taken place between the two Governments upon this point, and which are of great length, are herewith delivered to you. The matter is, in our estimation, so plain, and susceptible of such simple and easy demonstration, that it cannot, it is supposed, be necessary that you should encumber the discussion by drawing into it many considerations, which, though in themselves proper, are not necessary to the vindication of the ground we take, and seem only to furnish food for collateral and protracted debate. It is only by losing sight of the words of the treaty by means of desultory discussion upon abstract points, that the truth of our construction can be for a moment obscured. France desires privileges in the ports of Louisiana, on the ground that these privileges are granted as favors to other nations, and that she is entitled, by the eighth article of the cession treaty, to an equal participation of privileges with the most favored nation; whilst the truth is, that the privileges she claims are not granted by the United States as a favor to any nation, but are the result of purchase by the rendition of an equivalent. France asserts her right to "be treated upon the footing of the most favored nation," in the ports of Louisiana, and she insists upon a practical exercise of that right, which would place her upon a "footing" essentially, and to the United States injuriously, different from that of any other nation. She invokes to her aid the memorial presented by Mr. Livingston to the First Consul for an object confessedly, and, to every fair intent, materially different, and seeks through its means to induce the United States to acquiesce in a construction which is shown by their archives to be contrary to the intentions of their plenipotentiaries. If she inquires, what then was the object of the article, and what right does it secure to France? the answer is obvious: it was to give to France privileges in the ports of Louisiana greater in duration, but more restricted in their kind, than those secured for a limited period to France and Spain, by the seventh article; and the right secured to France by the eighth article is an obligation on the part of the United States to make with France any compact in favor of commerce, in reference to the ports in question, which they might, at any time thereafter, make with any other nation. This, as to all the rest of the world, is optional on the part of the United States, but, when once made with any nation, its extension to France became a matter of right in those ports.

Mr. Brown was instructed by the late administration to propose a submission of the question to arbitration, first, to a limited extent, viz. so as to embrace the French claim for remuneration only, but he was subsequently authorized to agree to it in such a form as to cover the entire claim of France, including, of course, the true construction and permanent operation of the contested article of the Louisiana treaty. The several communications to him from this department will apprise you of the particulars of the proposed plan. The proposition was formally submitted to the French Government, but has never received an official and definitive answer from it. Baron de Damas declared to Mr. Brown that he did not believe it would be satisfactory to them, or productive of much good. He inquired whether our Government would include the subject of claims in the same arbitration; and, on being asked whether they would desire such an arrangement on their part, he replied that he did not believe that, even in that form, it would be acceptable.

Should the subject of the arbitration be again brought under consideration, you are instructed to repeat the offer in the same general terms that it was made by Mr. Brown. But whatever is said or done upon this subject, you will have constantly in view that the President cannot consent to submit the permanent operation of the eighth article of the Louisiana treaty, nor the subject of our claims, to arbitrament.

As a means for obtaining redress for the extensive claims of our citizens, and in the full confidence that the United States are clearly right in their construction, he will consent to abide by the offer of the late administration, as first proposed, but not to the extension of it. The consequences that might result from an erroneous decision in the former case, would only be a certain and limited allowance by way of remuneration for duties received by the United States, to be deducted from the claims of our citizens, but in the latter it would be a far more extensive and serious operation. The claim by France, of permanent commercial privileges in the ports of Louisiana, without an equivalent, and wholly independent of her own commercial regulations in respect to the vessels and productions of the United States, can never be voluntarily submitted to by them, and the President cannot consent to put it in the power of any third party to determine that such shall be the case.

The United States cannot, under the circumstances of the case, promise themselves much advantage from the submission of their claims to any sovereign Power to which it is likely that France would accede; and a dependence upon individual responsibility only, in a case of such extensive amount, would be dangerous.

But it is hoped that you will not be under the necessity of communicating these views. Your proposition will leave you at liberty to insist upon the restriction suggested in the event of a favorable reception by France, (which is not expected,) and you can only be called upon to decide upon the submission of the claims, in answer to a counter proposition by France. Such counter proposition it is believed, she will be deterred, by the circumstances of the case, from making, and particularly by the consideration that, if the decision of the arbitration be against her, it would make her liable for the approved claims to their whole extent, and thus put aside the idea of a compromise.

The reasons which constrain this Government to resist the claims of France in regard to the Louisiana treaty, are equally imperative in preventing a deduction from our claims on that account. The result of such a course would be claims on our Government from those of our citizens who are interested in those we are presenting against France for the amount thus deducted. Although the President would take great pleasure in facilitating any measure which would promote the views of the claimants, he cannot consent to do so at the expense of the great mass of our citizens who have no interest in those claims, by acknowledging a responsibility which does not exist.

If the United States consent to discharge France, upon receiving a measure of indemnity which falls short of the true amount of the claims of their citizens, it must be from other considerations, and the course of your negotiation must always be such as to preclude a contrary inference. You will find no difficulty in possessing the French Government fully of the views of this upon that subject, and the applications which yet continue to be made to it for claims alleged to have been abandoned by the treaty of 1800, will serve to confirm their correctness.

If the great extent of our claims, the sacrifices which France has already been called upon to make in consequence of the acts of the former Government, the state of her finances, the improbability of obtaining supplies from the Legislature, and such like grounds, are urged against the allowance, by her, of our claims, you are authorized to say that the President will so far respect considerations of that character, as to receive, in full satisfaction of all our claims, and as a definitive adjustment of all matters in difference between the two countries, a gross sum, to be distributed amongst the claimants by the United States; provided that sum shall bear a reasonable proportion to the actual extent of our claims.

The circumstance that France has, at different times, evinced a disposition to prefer the satisfaction of one class of American claims to others, and has at no time expressed its definitive views as to the rejection of either, and the inability of the President to appreciate such considerations as she may urge in the final discussion of the subject, put it out of his power to pronounce understandingly upon the lowest amount on which he would consent to conclude a final arrangement. It is, moreover, in other respects, fitting that the party seeking an abatement from a valid claim, should take the lead in submitting propositions to that end. All that the French Government have a right to ask, is to be satisfied that that of the United States is sincerely willing to adjust the whole affair upon that basis. Of this you may give the fullest assurance, as also that any offer which is made to you will be received for reference to your Government, and shall be promptly replied to. Should your discussions take this direction, you will not fail to place before the French minister a view of our claims in their whole extent, including interests, and to press upon him the importance of making such an offer as there is reason to hope will be accepted, and will serve the great purposes of justice and conciliation.

It is not improbable, from the intimations heretofore given by the French ministers, that the claims of the heirs of Beaumarchais upon this Government, for supplies furnished by him to this country during the revolutionary war, will be brought forward as a set-off to the claims of our citizens. The opportunities for its examination, which have been afforded to you by your situation in Congress, and particularly by your participation in their examination by a committee of the House of Representatives in the year 1824, render it unnecessary to enter into any thing like an investigation of the merits of that claim. The station you are about to occupy will afford you facilities to make yourself more fully acquainted with the facts and circumstances connected with the transaction, and which are still involved in doubts and mystery. It is the wish of the President that you should do so in any event. Although the character of this claim will be a good deal changed if brought forward and acknowledged to be valid by the French Government, yet the better opinion will probably still be, that it is an antiquated demand, which can only find countenance in the absence of that complete knowledge of the facts which has been lost through time and circumstances; yet, in consideration of the great amount of claims which our citizens have upon France, and of the sincere desire which the President entertains to obliterate any source of future contention between the two Governments, he would not object to deduct the one million of livres claimed by the heirs of Beaumarchais from the amount allowed by France to satisfy the claims of American citizens: provided that that allowance be such, in your opinion, as will satisfy all the claims which, upon a close examination, shall be found justly chargeable to her. If that is not done, you will receive whatever proposition is made upon this branch of the subject, for reference to your Government.

If there was any sincerity in the language used by the French Government at different times, it is believed that the course now prescribed to you cannot fail to lead to an amicable and satisfactory adjustment. I cannot anticipate what other pretext can be found for longer declining it. If we are disappointed in this reasonable expectation; if France, either because the United States will not allow a claim which they are satisfied is wholly untenable, and which they have reason to apprehend is only used as an obstacle to the allowance of claims, on their part, which France cannot, upon principle, reject, or, for any other cause, shall refuse, or longer delay to do us justice in that respect, we shall be constrained to conclude that her purpose is to renounce every idea of a friendly adjustment with the United States. Should you find reason to apprehend a bias in the minds of the public functionaries of France so unjust to us, and so adverse to the honor and true interests of France herself, you will not fail to make every effort in your power to produce a better feeling, and wiser and worthier views. The precise tone in your communications, most likely to effect that object, can only be decided upon correctly with a full knowledge of all the circumstances, and must therefore be left to your own judgment: in its exercise, you will remember that, when you have received the ultimate decision of the French Government, the Executive branch of this will have exercised all its functions; and that, in the event of an unfavorable determination, it will belong chiefly to another department to decide upon the measures of redress which may be demanded by the occasion. Whilst, therefore, you do not, in effecting the purposes of the Executive, fall short of a frank, full, and energetic exposition of the rights and injuries of your country, you will discharge that duty in such a manner as will leave that department untrammelled in its consideration of the course which a due sense of the honor and interest of the nation may suggest.

It is the intent and sincere desire of the United States to live upon terms of peace and honest friendship with all nations who respect their rights, but it is equally their duty and their determination to protect those rights against encroachments from any and every quarter. Our claims upon France have been already too long under discussion. She must, long since, have made up her mind in regard to them, and it is due to the sincerity which ought to be observed between friendly Powers, that she should communicate her final determination to this Government. The President wishes to be informed of that determination, whatever may be its character. Notwithstanding the feeling of partiality to France with which the recollection of early friendship and past favors have impressed his mind, the President cannot conceal his regrets at finding that the conduct of the French Government in relation to the just claims of our citizens, when contrasted with that of ours, gives tokens as little auspicious to the true interests of France herself, as to the rights and just objects of the United States. The persevering evasions of the settlement of our claims, for such (whatever may have been the views of France) have been the facts, are not calculated to inspire confidence or strengthen friendship. It will be your duty to make the French Government sensible of the influence which the disposition of existing questions must necessarily have upon the future. The United States are earnestly desirous of maintaining the most

amicable relations with France, and are disposed to make many sacrifices to secure so desirable an object, but they can never abandon the claims of their citizens. The public mind here is deeply impressed with the justice and validity of those claims, and you must make the French Government sensible of the very high dissatisfaction which a refusal to discharge them would produce with the Government and people of these States.

Mr. Van Buren to Mr. Rives.

[No. 8.] Department of State,
Washington, 2d April, 1830.

Sir: Your several despatches, to No. 14, inclusive, have been received at this department, and submitted to the President. He approves fully of your reply to the observations of Prince Polignac in regard to portions of his message to Congress which refer to the state of our affairs with France. It contains, as far as it goes, a fair exposition of his sentiments upon the point alluded to.

The friendly predilections which have so long existed between the citizens of the United States and the subjects of his Most Christian Majesty; the unceasing endeavors of this Government to place the relations between the two countries upon the footing of a still more friendly and mutually beneficial intercourse; the liberality displayed by the United States in not pressing upon France, in the hour of her difficulties, the immediate discharge of her responsibilities to our citizens; the undeviating delicacy with which they have presented their claims in the season of her prosperity, and the patience with which they have awaited the result, are considerations which should dissuade the King of France from too readily construing into a tone of menace the frank, but not unfriendly language in which the President has expressed the sentiments of the Government and people of the United States.

In looking through the history of this unpleasant subject of discussion, the past is found to be so pregnant with causes of dissatisfaction at the course pursued by France in so perseveringly refusing, for a lapse of fifteen years, to satisfy our just claims, that, if surprise be at all excited, it should be rather at the patient forbearance which has characterized the conduct of the United States, than at any expression of discontent which these long delays have produced among the numerous class of citizens directly interested in the result of the negotiations. It needs no uncommon degree of penetration to discover that this unhappy cause of difference has exercised a baneful influence over other subjects of negotiation, involving the general interests of the two nations, and that it is constantly undermining the friendly spirit by which the people of the two countries are naturally drawn towards each other, and which, if properly fostered and directed, would be productive of incalculable advantages. This conviction, and a lively sense of the sufferings of those of our citizens in whose behalf so frequent and so earnest appeals have been made to the justice and honor of the French Government, have created in the breast of the President a degree of anxiety for the termination of the present state of things, which he could not conceal from the National Legislature.

He has, however, no desire nearer his heart than that of preserving the most harmonious relations with all the world, but particularly with his Majesty the King of France, who, with his throne, has, it is confidently believed, inherited the liberality and love of justice which distinguished his august ancestor, the early friend and ally of the United States. It was to enable the President more certainly to obtain the fulfilment of this first wish of his heart, that he called the national attention, in a spirit of regret and apprehension, to the possible consequences of a protracted continuance of the present untoward state of things. A brave and generous mind never assumes an attitude of menace as long as any thing can be hoped from a love of justice, and a regard to the rights of others. On neither of these, as motives on the part of his Most Christian Majesty to a fair adjustment of this fruitful source of misunderstanding between the two countries, has the President ever entertained a doubt.

I am, sir,
With great respect,
Your obedient servant,
M. VAN BUREN.

William C. Rives, Esq.
Envoy Extraordinary and Minister
Plenipotentiary of the United States to France.

P. S. After the preceding was prepared, and at the moment of its transmission, I received your despatch No. 15, by which I am informed that the impression Prince Polignac had received in regard to that part of the President's message which forms the principal subject of this communication, had yielded to a more accurate examination of that document by the Prince himself; and, also, that a negotiation has actually commenced upon the subject of claims. This declaration, and the subsequent course of the Prince, do justice to the occasion, and are worthy of the high source from which they have emanated. Although the contents of your despatch might well be regarded as rendering the preceding letter unnecessary, I am, nevertheless, directed by the President to transmit it as additional evidence of his desire that the negotiation should be conducted with the most scrupulous regard to the personal feelings of his Majesty the King of France. The President is not insensible to the impressions which the circumstances under which the claims of our citizens accrued, are calculated to make upon the mind of his Majesty, and will, at all times, be found willing to meet the advances of his Majesty's Government by every concession which, upon the most liberal view of the subject, can with justice be regarded as reconcilable with his official duty.

The declaration of the Prince upon certain points of the matters in contestation, although falling far short of the just expectations of this Government, are, nevertheless, gratifying to the President, as affording strong evidence of a sincere desire on the part of his Majesty's Government to respect the just rights of our citizens, and to relieve the relations between the two countries from the baleful influence of this old and vexatious subject of difference. If these enlightened and just views can be brought to a successful and satisfactory termination, we may with confidence anticipate the happiest results from the future intercourse between the two nations.

M. V. B.

Mr. Van Buren to Mr Rives.

[No. 12.] Department of State,
Washington, 20th April, 1830.

Sir: Your despatches Nos. 15 and 16, of the 16th and 25th of February, were received on the 3d and 10th of this month, and have been submitted to the President. He was particularly gratified in learning from the first, that the repugnance of the French Government, heretofore exemplified in reference to all former attempts on the part of this, to enter into a negotiation respecting the claims of our citizens upon that Government, has at length yielded to your discreet and judicious efforts to overcome that obstacle; and that a negotiation between yourself and Prince Polignac for the adjustment of these important interests, may be considered as now actually commenced, under auspices, too, that hold out a cheering prospect that, through the continued employment of similar efforts on your part, it will be brought to a satisfactory conclusion.

From the prorogation of the Chambers to a distant day, announced in your despatch No. 17, received on the 12th instant, it is hoped that the minister will now be able to devote the necessary attention to this great object, and that the negotiation will experience no further or material interruptions. The intelligence, therefore, of that occasioned by the temporary indisposition of Prince Polignac, communicated by your No. 15, was received with peculiar concern, though it was known to have occurred at a period when other cares, incident to the then approaching assemblage of the Chambers, would probably have absorbed most of his attention, and left him but little time to devote to other matters, however pressing or important; but your despatch No. 16, received a few days afterwards, relieved us from all anxiety upon this score, by the information which it brought of the recovery of that minister, though it would have been still more gratifying if it had been accompanied by intelligence that the negotiation had been resumed on his part.

The projet of a convention, prepared by yourself, and enclosed in your No. 16, has been submitted, likewise, to the consideration of the President, by whom I am instructed to inform you, as it gives me great pleasure to do, that it meets with his general approbation as a safe and convenient basis for the adjustment of the claims of our citizens upon the Government of France. I am instructed to state to you, however, that, instead of the mixed commission which it proposes to establish to effect that object, a gross indemnity for these claims, to be distributed amongst those for whose benefit it is made by this Government, would be preferred by the President. In this case, full reliance is placed upon the discreet exertion of your efforts, under the best estimate which you have been able to form of the just indemnities demandable, to procure as good terms as possible. If the business cannot be arranged in this way, consistently with your general instructions, then the course suggested, of providing for the settlement of the claims through the instrumentality of a mixed commission, may be adopted, although there are powerful objections to a tribunal of that sort, for the adjustment of claims of any description, favorably or unfavorably affecting the respective Governments of its members, however guarded it may be, as was experienced in the case of all those established under the treaty of 1794, between the United States and Great Britain, and under that of St. Petersburg, of 12th July, 1822, for carrying into effect the first article of the treaty of Ghent. In that case, your projet for effecting the object is entirely approved, except that a commission, composed of one commissioner and one arbitrator on each side, would be preferred to the one proposed, of two commissioners and one arbitrator, unless the other, or a different arrangement, not essentially varying the character of the commission, should be insisted upon by the French Government.

On the subject of the abatement which may be required by the French Government from the amount of indemnities claimed on our part, you are already apprised of the President's views in relation to it; that he is anxious to obtain satisfaction for all just claims whatever of citizens of the United States upon the French Government, without regard to the classes to which they belong; that he is disposed to yield none, but upon unavoidable necessity, and to avert a greater injury, by foregoing the opportunity to procure a satisfactory adjustment of the best and largest portion of them. It is expected, therefore, that your strenuous exertions will be used to induce the French Government to allow all that can be sustained upon fair and equitable principles. The President is well aware, however, that there are considerations appertaining to the subject, which may lead that Government to insist upon a reduction in reference to particular classes of the claims, or, perhaps, the entire abandonment of such by this. In that case, it may be found best to yield something of what, under other circumstances, might be insisted upon, on our part, for the sake of obtaining all that is practicable. Should the necessity of doing this, or to forego the opportunity of effecting an arrangement otherwise desirable, become apparent and imperious, the President, in that case, would agree to the adoption of such a course.

As your opportunities and situation will enable you to form a better judgment in regard to the precise class of cases which, in that event, it might be advisable to abandon, or the extent of the reductions required by circumstances, the President necessarily very much relies upon your discretion in both these points, that as little be given up as possible. This, of course, will be greatly regulated by the objections urged against particular claims in your discussions with the French Government; by the degree of estimation in which the different classes of all these claims are held by that Government; by existing circumstances in reference to the probability of that Government's yielding or not, in essential points, with respect to them; and by a variety of other considerations, which can be better, if not alone, judged of by yourself.

Under these circumstances, desirous as the President is to assume all practicable responsibility in relation to the important interests concerned, he is, nevertheless, constrained to leave much to your judgment and discretion towards the adjustment and settlement of them upon the best terms attainable; and whilst he reposes the utmost confidence in the prudence of the measures which you shall adopt upon this occasion, you have a sure pledge, in the confidence inspired by your talents and patriotism, that, whatever may be the issue, if it shall appear that you have acquitted yourself, as is anticipated, of the high trust thus committed to your charge, with the zeal and ability which have heretofore distinguished your career in the public service, your conduct will be approved by your country.

The President, however, concurs in the opinion which you have expressed, that, if reductions are insisted upon, the claim for interest, and those originating in transactions antecedent to the treaties of 1800 and 1803, are the classes in which concessions should be made. You are, therefore, hereby invested with his authority to abandon these, or a portion of them, under such renunciations as may be required by the French Government, if it should appear that this is made a *sine qua non* to the successful prosecution of the residue; but this is not to be proposed except in the last resort.

The mode proposed by you for selecting the arbitrator, is deemed greatly preferable to that which was provided by the treaty of 1794, between the United States and Great Britain; and the President hopes that you will find no difficulty in securing its adoption. If the French Government should refuse to enter into a positive stipulation to pay for any proportion or classes of the property condemned, you are authorized (the other claims being satisfactorily provided for) to adopt the basis upon which Mr. Gallatin's propositions to the Duke de Richelieu appear to have been founded, by leaving that question to be determined by the joint commission.

You are, moreover, authorized to submit the restricted question upon the eighth article of the Louisiana convention to the mixed commission, if it should become indispensably necessary to a successful prosecution of your negotiation upon the subject of claims; but, in that case, you will take especial care that the submission be made in such a form as to exclude the general question of the future and permanent construction of that article, according to the tenor of your general instructions upon this head.

I am, sir,
With great respect,
Your obedient servant,
M. VAN BUREN.

William C. Rives, Esq., &c., &c., &c.

P. S. Upon a more careful examination of the convention of 1822, it is found that, agreeably to the intimation in the closing paragraph of your despatch No. 16, the abolition of discriminating duties it provides for, is confined to the cargoes imported in vessels of the respective parties; and that the alien tonnage duty of 94 cents per ton on French vessels in the ports of the United States, and of five francs on American vessels in the ports of France, is expressly retained by the fifth article of that convention. The erroneous impression in relation to this subject, to which you refer, was the result of a construction given to the letter from Mr. Clay to Mr. Brown, of the 28th May, 1827. In further confirmation of your and my present view of the subject, I have found, upon inquiry at the Treasury Department, that the alien tonnage duty has, down to the present time, been actually levied upon French vessels entering the ports of Louisiana since the expiration of the twelve years during which they were, agreeably to the provisions of the seventh article of the Louisiana convention, exempted from the payment of such duty.

Should, therefore, the proposed reference to the commission, contemplated by your projet, of the question arising under the eighth article of that convention, be decided against the United States, the sum to be refunded to France will be the aggregate of the alien duty levied upon French vessels in the ports of Louisiana during a period commencing with the abolition of similar duties upon British vessels, under the convention between the United States and Great Britain, of the 3d July, 1815, which constitutes the first instance of such an abolition in favor of any nation, and ending with the date of the convention or agreement which will terminate the negotiation in which you are now engaged.

A statement of the duties thus levied is now preparing at the Treasury Department, and, if completed in time, will accompany this despatch. It is communicated to you for information only, and not with a view to its being used by the French Government as a basis upon which it may estimate the amount of its demand in the event of an award in its favor.

M. V. B.

[Referred to in the preceding despatch.]

Statement exhibiting the quantity of French tonnage which entered the ports of Louisiana during the several years ending 31st December, 1815, to 1829, inclusive; showing, also, the rates of duty to which it was subject during those years.

Years.	Rates of duty.				Tonnage duties.	Light money, 50 cts. per ton.	Total.
	6 cts. per	50 cts. per	$2 per	$18 per			
	Ton.				Dollars.		
1815	390	–	511	–	1,045 40	255 50	1,300 90
1816	1,110	–	2,587	–	5,240 60	1,293 50	6,534 10
1817	–	4,586	1,334	–	4,961	2,960	7,921
1818	–	10,002	–	–	5,001	5,001	10,002
1819	–	9,139	–	–	4,569 50	4,569 50	9,139
1820	–	6,634	–	–	3,317	3,317	6,634
1821	–	–	–	1,161	20,898	580 50	21,478 50
1822	–	380	–	582	10,666	481	11,147
1823	–	2,197	–	–	1,098 50	1,098 50	2,197
1824	–	1,819	–	–	909 50	909 50	1,819
1825	–	4,920	–	–	2,460	2,460	4,920
1826	–	4,925	–	–	2,462 50	2,462 50	4,925
1827	–	2,006	–	–	1,003	1,003	2,006
1828	–	4,620	–	–	2,310	2,310	4,620
1829	–	2,460	–	–	1,230	1,230	2,460
Total	1,500	53,688	4,432	1,743	67,172	29,931 50	97,103 50

Treasury Department,
Register's Office, April 24, 1830.
MICHAEL NOURSE, *Acting Register.*

Extracts.—Mr. Van Buren to Mr. Rives.

[No. 17.] Department of State,
Washington, Sept. 27, 1830.

Sir: Your despatches to No. 38, inclusively, have been received at this department.

Conformably with the existing state of things in France, I have the pleasure to transmit to you, herewith, the credential letter of the President, accrediting you to the new Government of that country, in the character of envoy extraordinary and minister plenipotentiary of the United States, addressed to his M. C. Majesty Louis Philippe, King of the French, &c. &c.

* * * * *

It is greatly to be regretted that circumstances should have prevented you, at the time, from taking advantage of, or Prince Polignac from giving effect to, the favorable dispositions evinced by him towards the close of his career as Minister of Foreign Affairs under the late King, with regard to the claims of our citizens upon the Government of France, for bringing that important concern to a satisfactory conclusion: but it is confidently expected by the President, that, under dispositions equally, or still more favorable, upon the part of the present Government, that important business will be speedily and satisfactorily terminated. You will accordingly press the subject upon that Government by all the arguments and suggestions which you know so well how to employ advantageously to that end; and, in doing this, you will, if you should deem it prudent to present the subject in this point of view to its consideration, explicitly state that the known sympathies of the people of the United States, as far as they have been exemplified in the short space of time that has elapsed since intelligence was received here of

the establishment of that Government upon the ruins of the late one, are universally and enthusiastically in favor of that change, and of the principle upon which it was effected; that in proportion to the extent of these sentiments, and of the degree of their confidence in the enlightened wisdom and equitable councils of those who have been called to the administration of that Government, their disappointment would be so much increased by further unnecessary procrastination in the adjustment of the claims referred to.

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William C. Rives, Esq. &c. &c. &c.

Extracts.—Mr. Van Buren to Mr. Rives.

[No. 19.] Department of State,
Washington, 16th Oct. 1830.

Sir: Your despatch, No. 40, has been received. The assurances of the King, although general in their terms, when taken in connexion with the confidence which the President reposes in the justice and liberality of his Majesty, and the reliance he places upon the sympathies of regenerated France, inspire him with a lively hope that the long standing and vexatious subject of our reclamations will now be speedily and satisfactorily adjusted.

It is the wish of the President to take upon himself all the responsibility in the negotiation which can be assumed, without endangering either its success abroad, or that of his exertions to bring it to a conclusion which will prove satisfactory to those of our citizens who are directly and individually interested in its results. It is in pursuance of this disposition, that, in regard to our claims upon France, the instructions already given to you are far more specific than any which have heretofore proceeded from this Government upon the same subject. The only restraint, which, in this regard, he feels it to be his duty to respect, arises from the consideration, that if, which is now more probable than ever, the settlement should ultimately take the form of the allowance of a gross sum by France, the various rights and claims to precedence which may be urged by our own citizens, will have to be settled by Congress, either directly, or through the agency of a tribunal to be organized by them for that purpose; and from the expediency that that body should, in the discharge of this duty, be left at liberty to exercise a free discretion, as far as practicable, unfettered by any opinions previously and unnecessarily expressed by the Executive, in the course of the negotiations, as to what will, in that event, become conflicting claims advanced by our citizens.

Upon a careful re-examination and reconsideration of the instructions which have been already given to you, as well in regard to that portion of the claims which is for property not condemned, as those of all other descriptions, it is found that they are sufficiently full and explicit to enable you to carry into effect the wishes of this Government in this respect, as far as the dispositions of that of France may allow you to do. If, however, upon a review of the subject, you should still think otherwise, and so inform this department, such further directions as you may desire will be promptly and explicitly given.

It is not apparent from your last despatch whether you expect that the proposition submitted by you to Prince Polignac, in regard to the reciprocal reduction of duties upon the wines of France and the cottons of the United States, will again come up for consideration. The President has, however, submitted your views upon that subject to an intelligent merchant and practised statesman for his opinion, and when it is received, I shall communicate further with you upon that point. We hope, however, without at all meaning to intimate an opinion unfavorable to the expediency or fitness of the measure referred to, that you will be able to satisfy the French Government of the injustice of continuing the use which has heretofore been made of the construction given by it to the eighth article of the Louisiana treaty, and of the superior fitness of an independent adjustment of the matter of reclamations. I have already alluded to the increased confidence of the people of this country in the justice and amity of the present ruling power in France, and to their expectations, consequent thereon, in regard to the speedy and liberal settlement of our claims. This Government is well aware that, in this respect, due weight is not given to the obstacles which you will yet have to contend with, and does all in its power to save you from possible prejudice on that account, by repressing any excess of confidence wherever that can be done with propriety.

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William C. Rives, Esq. &c. &c. &c.

Extracts.—Mr. Van Buren to Mr. Rives.

[No. 20.] Department of State,
Washington, 8th November, 1830.

Sir: I received, some time ago, and laid before the President, your despatches Nos. 28 and 30, with their enclosures; and, according to the intimation in my despatch to you of the 16th of October, I now proceed to give you, under direction of the President, such instructions as are called for by those despatches, upon the propositions submitted by you to Prince Polignac, in your note to him of the 20th of May, a copy of which note came subjoined to the first mentioned of them. There would be cause of regret and disappointment if the French Government should still persist in connecting with the negotiation for a settlement of the claims of our citizens upon it, a negotiation concerning its pretensions under the eighth article of the Louisiana convention; thus keeping united two subjects of totally distinct characters, and bearing no sort of affinity to each other; one exclusively and entirely appertaining to *bona fide* private claims of our citizens for the proceeds of a large amount of property, many years ago wrested from them in violation of all acknowledged principles of public law, under authority of the then existing Government of France, and carried into the treasury, or applied to the public purposes of that Government; and the other appertaining to a national contract, in the interpretation of which there may exist an honest difference of opinion between the parties; the first looking to the recovery and liquidation of uncontroverted and incontrovertible private claims, the other to the establishment of a doubtful national one, about which the parties entertain an irreconcilable difference of opinion. If this, however, should prove to be the case, the President sees no objection to your concluding a convention with the French Government upon the basis of the propositions contained in your note to Prince Polignac, above referred to, stipulating a reciprocal and reasonable reduction of the duties upon French wines on their importation into the United States, taking proper care, however, that the stipulation for this reduction of duties does not conflict with our engagements to other nations, by which we are bound to impose no higher duties upon articles the produce of the soil or industry of those nations, than upon similar articles of other nations, when imported into the United States, and a correspondent reduction of the duties upon our cottons when imported into France; but he would not be willing to consent to a longer period than —— years for the continuance of such a convention, though there would be no objection to its containing a provision for the further continuance of it, indefinitely, unless one or other of the parties should give notice to the other, as in the case of the convention with Prussia of the 1st of May, 1828, of its intention to arrest the operation of it.

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P. S. Since the foregoing was prepared, your despatches to No. 48, inclusively, have been received at this department. It is perceived, with the deepest concern, from these despatches, particularly that numbered 43, that the new French Government is actuated by a policy, with regard to the claims of our citizens, at variance with all the anticipations entertained and cherished here upon the subject; that the mere amount of indemnities demandable, or of that which we might be willing to accept in satisfaction of them, without reference to the justice or validity of the claims themselves, is now made an obstacle to their adjustment!

You will take care to make that Government acquainted with the extent of the disappointments which the President has already experienced in the multiplied postponements of that adjustment upon professedly other grounds than this, and that the avowal of such a one, in such a quarter, both surprises and disappoints him.

M. V. B.

William C. Rives, &c. &c. &c.

Extract.—Mr. Van Buren to Mr. Rives.

[No. 23.] Department of State,
Washington, 22d December, 1830.

Sir: I took occasion, in my despatch to you numbered 21, to acknowledge the receipt of your several communications to No. 49, inclusively, and to state that no time would be lost in making you acquainted with the views of the President respecting the various points to which the last of those communications more particularly refers. These have received his earnest attention; and, although we are not yet in possession of the promised answer of Count Molé to your note to him of the 25th September last, yet the account given by you of your interview with that minister, of the 15th October, is so far indicative of the sentiments then entertained by the French cabinet in relation to the pending negotiation respecting our claims on France, as to justify our anticipating the contents of the promised communication, by apprising you of the views of your Government upon the subject, for the purpose of enabling you promptly to avail yourself of any favorable advance in the negotiation to bring it to a speedy and satisfactory termination.

The hopes entertained by the President, that this desirable object will, without much longer delay, be accomplished, have been increased by the indications contained in your last despatches, of a disposition, on the part of the French Government, to bring the negotiation to such a turn as will enable the parties to come to a final understanding upon all the points of controversy which have arisen in the course of their discussions upon the subject of claims. Although he does not flatter himself that the Government of France is yet fully impressed with the justice of our demands in their whole extent, yet he cannot deny himself the satisfaction of believing that its professed desire of effecting an adjustment of this subject will lead to some decisive step on its side in relation to it; and that the liberal principles which now animate the French nation and her councils, will secure to the United States a fair hearing, and a just settlement of their demands.

The first subject which recommends itself to our consideration, is the report presented by Count Molé to the King, and approved and signed by his Majesty, the conclusions of which were submitted for your perusal. Of the character of that report, nothing can now be said, as its premises are yet unknown here: but the President considers, as an advance in the negotiation, the recommendation contained in the conclusions of that report, that the negotiation be resumed with you.

With respect to the commission of investigation, to consist of members of the two Chambers, the formation of which is likewise recommended by the conclusions of the report referred to, the President cannot regard it in any other light than as a preliminary step on the part of the French Government to arrive at a more correct understanding of the whole subject, nor consider its decisions as precluding any portion of the claims of our citizens to indemnity, or affecting the obligations of France to do justice to their demands.

The President, ever disposed to listen, and, as far as it is competent for the Executive branch of the Government, to do full justice to any fair demands which may be preferred against it, sees with satisfaction the proposed reference to the same commission of the alleged claims which the French Government has, at various times, in the course of the negotiations, brought forward against the United States, as an offset to those of our citizens. It is hoped that, after such an investigation, that Government will, in a spirit of justice, discriminate between those which can, in its opinion, be sustained upon principle, and those resting upon grounds which the United States cannot admit; and that the pretensions of France, when thus separated from all matters foreign to the subject, will, like those of the United States, present simple questions, on which it will be more easy for the two Governments to arrive at an amicable understanding.

Owing to the uncertain character and inadequacy of the information possessed by this Government respecting the claims which it may be the intention of that of France to submit to the investigation of the proposed commission, and to bring forward on the renewal of the negotiation, it is found impracticable to state precisely what views it will ultimately take of them; some of these claims being now mentioned for the first time, and finding us entirely unprovided with the means of ascertaining even their general character. If by "claims for supplies," be meant that which has several times been presented to Congress in the name of the heirs of Caron de Beaumarchais, its official presentation by the French Government to the Executive of the United States, before whom it never has been presented in that form, would undoubtedly claim in its behalf that degree of attention, on the part of this Government, to which all demands emanating from a similar source must ever be entitled; and if, upon examination by a competent authority, it should be found to constitute a fair claim upon the United States, the President would feel it his duty to consent to its being embraced in any arrangement to which you may agree, having for its object a reciprocal and final adjustment of all demands of indemnity on both sides. This subject was adverted to in your original instructions, and what is there said respecting it is again recommended to your notice.

With regard to the claim growing out of the destruction, by fire, at Savannah, in 1811, of the French privateer "Vengeance," likewise referred to in Count Molé's report as intended to be called up at the renewal of the negotiations, the accidental loss of the records of the correspondence of this department during the period of that occurrence, and the absence of documentary information respecting the circumstances attending it, render it difficult to form a correct estimate of the merits of that claim. It appears, however, that the burning of the Vengeance was an act of violence committed by an exasperated mob during a very severe contest between French sailors and a party of rioters, in consequence of an affray which had taken place before, and in which an American had been killed, and a French sailor mortally wounded. It appears, also, from the communications of Mr. Serurier, then minister of France in the United States, to the Secretary of State, that, notwithstanding the interference of the police and military of Savannah, the circumstances of the riot were such as to induce him to make a formal demand upon this Government for the immediate commencement of a legal prosecution, and for the exemplary punishment of

the guilty; of satisfaction to his sovereign for the insult alleged to have been offered to the French flag, and of indemnity to the owners of the vessel destroyed on that occasion.

The loss of the record referred to above, and of the report which was made at the time by the district attorney for Georgia, deprives us of the means of ascertaining the view which was then taken of the matter by the Government of the United States, and what answer was returned to Mr. Serurier's communications. Measures have been adopted to supply that loss, which, if successful, will doubtless enable the President to cause more precise information as to the validity of the claim to be communicated to you.

This department is more at a loss to understand what is meant by the French Government in its mention of "claims of French subjects to lands in Louisiana." So far, its inquiries have led to no result calculated to aid its judgment in relation to those pretended claims. The subjoined memorandum from a Senator familiar with the entire subject of land claims in that country, constitutes all the data I have as yet been able to collect upon the subject, confirms the President in his opinion that the claim is entirely groundless, and strengthens my own conviction that an investigation of its merits will lead to the establishment of the correctness of these opinions.

The President, however, is unwilling that any obstacles of this nature should interpose themselves to a satisfactory adjustment of all the claims which either of the two nations may have upon the other, and will not refuse his assent to any proposition which may lead to an investigation of the real merits of this claim, and of that arising from the destruction of the "Vengeance." He is, moreover, ready to consent that satisfaction be made for them by this Government, if, after a proper investigation of all the circumstances, they should appear to constitute a fair demand upon the justice of the United States.

As the claimants under the grants to the Baron Bastrop and Marquis de Maison Rouge are understood to reside in this country, it is believed that your supposition that they are amongst those referred to by the French Government is erroneous.

As regards the subject of the French pretensions under the eighth article of the Louisiana treaty, which have been the cause of so much discussion, and so long served as a pretext for a denial, on the part of France, of the justice due to our citizens, the opinion of the President as to the principle involved in that question is now, as it must ever remain, unchanged. It would, therefore, be as unprofitable as useless, at this time, to renew the discussions touching those principles. The former instructions of this department, as contained in my despatch numbered 20, have so fully explained to you the manner in which the President is willing to compromise this unhappy subject of difference, as to render any further mention of it unnecessary. The arrangement proposed in this respect has the twofold object to dispose forever of this vexatious subject of dispute, and to facilitate, at the same time, the further development of the commercial resources of the two countries, and bind them still more strongly together by the ties of mutual interests. The President indulges the confident expectation that his Majesty's Government, to whom, doubtless, you will, ere this, have communicated his liberal proposition, will discover in the measures it contemplates an earnest of his friendly sentiments towards the French nation, and of his desire to do his utmost to remove all difficulties which may stand in the way of a final settlement of all differences between the two countries.

The instructions heretofore transmitted to you have put you fully in possession of the views of the President in reference to the last point mentioned by you, as intended to be referred to the proposed commission, that is to say, the method to be adopted for the liquidation of the claims admitted. If a preference has hitherto been given by him to one mode over another, it was done upon views of convenience alone, of which no circumstances have yet occurred to produce a change. The President is unwilling to insist upon the adoption of any particular mode, and will readily assent to one which, without sacrificing or abridging the rights of the claimants, will meet the views of the French Government, and lead to a prompt and satisfactory settlement.

I regret to have to state to you, that, notwithstanding the earnest desire of the department to ascertain the views of the claimants as to the terms upon which they would agree to a final arrangement, and to produce a concert of action among them, that desirable object has not yet been accomplished, and that the probability that it ever will be attained is remote. It is, therefore, extremely difficult, if not impracticable, at this time, to furnish you with positive information as to the reduction in the total amount of the claims to which it would be just or prudent to agree. Nothing can, consequently, now be added to the views which have already been made known to you upon this branch of the subject. The President is not insensible to the force of the considerations alluded to in your last despatch, as drawn from the staleness of the claims, the difficulties unavoidably attending their adjustment, the unsettled state of political affairs in Europe, and particularly in France, and the financial embarrassments of that country, arising from the present reduction in her revenue. These considerations, although in no way affecting the rights of the claimants, or the obligation of France to indemnify them, cannot be totally divested of that degree of influence which similar considerations must needs exercise over all relations between debtor and creditor. The President is not now more disposed than he ever was to yield any thing of the just rights of his fellow-citizens; but he cannot so far disregard the force of the considerations to which reference has just been made, as to decline receiving, in the most indulgent and conciliatory spirit, any reasonable offer which may be made by the French Government in full satisfaction of our claims, provided it shall bear a fair proportion to the amount which, upon a view of the whole subject, shall be deemed sufficient to cover the claims which this Government ought, under the circumstances, to insist upon. Your own acquaintance with the subject, as derived from the instructions and documents furnished you by this department, and from other sources of local information, must be your guide in considering the amount which would be deemed acceptable by your Government, whom you will ever find disposed to give a liberal support to any act of yours founded in the spirit of your instructions, and dictated by existing circumstances, which shall have for its object the real interests of the claimants, and the final adjustment of differences, in the settlement of which each day's delay adds fresh injury to the interests involved in them.

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William C. Rives, Esq. &c. &c. &c.

Paper referred to in the preceding despatch (No. 23) to Mr. Rives.

Senate Chamber, *December* 14, 1830.

"Mr. Benton complies with the request of Mr. Van Buren, in stating what he knows of the two ancient French grants referred to.

"1. The grant on the Arkansas to Mr. Law.

"Mr. B. presumes this to be the grant on which the German emigrants were settled under the patronage of Mr. Law; and who, upon the failure of that gentleman, abandoned the possession, with the view of returning to Europe, but stopped at New Orleans, accepted other grants from the Governor of Louisiana on the coast of the

Mississippi, above the city, and formed what has been called ever since 'The German Coast.' The grant on the Arkansas to Mr. L.'I now consider as a nullity. It has probably been regranted, perhaps to Winter.

"2. The grant near the old Fort Toulouse, on the Alabama.

"This was in the heart of the Creek nation of Indians. They continued to occupy the country supposed to be covered by the grant until the nation was conquered by General Jackson, in 1814. It was then ceded to the United States by treaty, and has since been sold under our land laws, and is now occupied and cultivated by American citizens. I consider this grant also a nullity."

Mr. Van Buren to Mr. Rives.

[No. 32.] Department of State,
Washington, 7th April, 1831.

Sir: Herewith you will receive the copy of a resolution adopted by the House of Representatives during the late session of Congress, referring the claim of the heirs of Caron de Beaumarchais to the President of the United States as a matter of negotiation, together with an extract of a private letter in relation to that claim, which I have just received from Mr. Speaker Stevenson.

According to your general instructions of 20th July, 1829, you are given to understand that the President would not object to the deduction of the one million of livres, claimed by those heirs, from the amount that might be allowed for the satisfaction of the claims of American citizens upon the French Government, provided the sum so allowed by that Government should, in your opinion, be commensurate with the object; but the mode of making or effecting this deduction is not particularly described, and was, therefore, intended to be left very much to your discretion. If the suggestions of Mr. Stevenson, on this point, could be turned to advantage, consistently with the spirit of those instructions, it would be very agreeable to the President that the proposed arrangement should, in that case, be made to correspond with them.

I am, with great respect,
Sir, your obedient servant,
M. VAN BUREN.

William C. Rives, Esq., &c. &c. &c.

Mr. Livingston to Mr. Rives.

[No. 36.] Department of State,
Washington, June 25, 1831.

Sir: It gives me great satisfaction to begin our official correspondence by a repetition, which I am directed to make, of the President's high sense of the talent, firmness, and propriety, with which you have conducted the difficult negotiation entrusted to you up to the date of your last despatch. A perfect concurrence in this opinion, resulting from a careful perusal of your correspondence, enables me to perform this duty with the greater pleasure.

Your last letter, No. 70, by General Bernard, gave a reasonable expectation that, by the packet of the 16th May, we should hear that some offer worthy of consideration had been made by the French Government. This belief was increased by the verbal communications of the General, and the arrival of the packet was expected with some impatience. It came on the 22d; but, much to our disappointment, brought nothing from you but newspapers, and a duplicate of your despatch No. 70.

The great diligence you have always shown in keeping the department informed of every thing necessary to be known, convinces me that some accident has prevented our receiving the information which, I am very certain, you would not fail to give of what passed between the 1st of May and the sailing of the last packet. A slight hope is also entertained that some result, in the course of the negotiation, has been produced of sufficient importance to be forwarded by a special messenger, who may have been sent by some other route. Whatever the cause of our disappointment may be, no part of it is ascribed to a want of attention on your part.

Your despatches Nos. 68, 69, and 70, have been received since the last communication from this department, and would have been sooner acknowledged, but for the daily hope of receiving the account of some definitive proposition to which we might, at the same time, reply.

From the tenor of your last communication to the French ministry, it seems quite unnecessary to repeat to you the President's wish that the negotiation should be brought to a definitive conclusion, if, unfortunately, a successful result should not have been obtained when you receive this letter.

I am, with great respect,
Your obedient servant,
EDW. LIVINGSTON.

William C. Rives, Esq., &c. &c. &c.

Mr. Livingston to Mr. Rives.

[No. 38.] Department of State,
Washington, August 4, 1831.

Sir: At the date of your last despatch, No. 72, the position of our affairs was such as to excite hopes of a favorable termination to our just and long protracted demand for compensation to our citizens. We, therefore, looked with some impatience for the arrival of the succeeding packet. Two have, within a few days, arrived; one of the 10th June, bringing only duplicates of your despatches Nos. 71 and 72, and the other of the 22d, bringing only newspapers. In whatever state the negotiation may be, it is very important that we should, by every packet, be advised of its progress or interruption. The President is perfectly convinced, from your diligence and energy in urging the settlement of these claims, that no new instructions are necessary to give activity to your exertions. But he requests me to direct, if, on the arrival of this letter, some specific offer that you may deem worthy of being referred to your Government be not made, that you will signify to the French ministry the extreme disappointment felt by the President at the delays which have intervened under the present Government, more especially since the justice of our claim was conceded by the last. You will add, that pains have been taken by our Government to repress the expression of the feelings of impatience which pervade not only the parties interested, but the whole community on this subject, which, if not allayed, must naturally create an unfriendly national feeling; and, unless prompt measures are taken to render justice, will be communicated from the people to their representatives, who are soon to assemble; that the President, in the exercise of his constitutional duty, must lay before Congress a true statement of this important feature in our foreign relations; that its effects cannot but tend to injure that harmony and kind feeling which, as yet, subsist between the two nations, and which, but for this denial of justice, would become stronger and more intimate; that it will be your duty to report any longer delay, as a proof that nothing more can be expected; and that, for that purpose, you request such an answer as will enable us to judge what we are to expect.

I repeat, by the President's desire, a former request, that we may hear from you by every packet, whether you have any thing important to communicate or not.

I am, with great respect,
Your obedient servant,
EDW. LIVINGSTON.

William C. Rives, Esq., &c. &c. &c.

Extract.—Mr. Brent, acting Sec'y of State, to Mr. Rives.

[No. 40.] DEPARTMENT OF STATE,
Washington, September 9, 1831.

SIR: I have the pleasure to inform you that, on the 3d of this month, Mr. Draper reached this city, and safely delivered your despatches Nos. 73, 74, and 75, with the treaty which you had concluded and signed on the 4th of July with the French Government; and that, on the 4th instant, Captain Stevens, of the navy, arrived with duplicates of the despatches referred to, and a copy of the treaty, together with your original despatches Nos. 76 and 77, which he has also safely delivered.

I am directed by the President, in the absence of the Secretary, to acquaint you with his perfect satisfaction of the zeal and ability with which you conducted the negotiation on the part of this Government, which led to the conclusion of the treaty in question, and to felicitate you, in his behalf, on the relief which you will have derived from the successful accomplishment of that important object, in reference to the truly arduous, difficult, and laborious character of the service which it involved.

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WILLIAM C. RIVES, Esq., &c., &c., &c.

Extract.—Mr. Livingston to Mr. Rives.

[No. 41.] DEPARTMENT OF STATE,
Washington, 26th September, 1831.

SIR: Having, after an absence of some weeks, just returned to the seat of Government, I have only time, by this packet, hastily to acquit myself of the very pleasing duty of conveying to you a repeated assurance of the great satisfaction with which the President has received the important treaty you have concluded. He instructs me to say that the manner in which you have carried on the negotiation meets his entire approbation, and that he is convinced the result has been quite as favorable as we could have expected; and, my own opinion coinciding perfectly with his, I congratulate you on the success of your persevering and talented exertions, and on the great advantages they have procured to your country.

WILLIAM C. RIVES, Esq.
Envoy Extraordinary and
Minister Plenipotentiary to France.

Mr. Brown to Mr. Clay.

[No. 72.] PARIS, *8th September,* 1827.

SIR: I addressed a note to his excellency Baron de Damas, requesting an interview. He returned me an answer, appointing the 7th instant, at half past one o'clock, to receive me. I waited on him at that hour, and, in order to comply with your instructions of the 28th of May, I briefly, but distinctly, brought to his recollection the various measures to which the United States had resorted in order to obtain from France a settlement of the claims of our citizens for spoliations on their commerce. Arriving, in the course of my narrative, at that period when the negotiations were arrested by the unexpected interposition of the claim of France, under the eighth article of the Louisiana treaty, I stated, fully, the reasons assigned by my Government for refusing to unite that claim in the same negotiation with the claims of our citizens for indemnity. It can hardly be necessary that I should, in this place, state all that passed on this subject, as it could amount to little more than a repetition of the substance of your last instructions, and of the notes which had, at different times, been addressed to the French Government, either by my immediate predecessor or by myself. I shall, therefore, merely observe, that the review of what had passed was full and comprehensive, embracing a statement of the principal facts and arguments which appeared in the correspondence commencing with Mr. Gallatin's letter to the Duke of Richelieu, of the 16th of November, 1816, and ending with that of his excellency Baron de Damas to me, dated the 11th of November, 1825.

I told him that my Government could not admit the propriety of associating, in the same negotiation, the disputed demand under the eighth article of the Louisiana treaty, and incontestable claims of American citizens, a large portion of which, as I had already stated, so far from being questioned, had been admitted by France to be just; and that it was with surprise and regret that the United States perceived the persevering adherence of France to the principle of the unnatural connexion. But, whilst the American Government must constantly protest against it, and repeat its strong conviction that the pretension of France, under the Louisiana treaty, has no just foundation, I had been instructed to afford a new and signal proof of the equitable disposition of my Government, by proposing to him, as a basis of the settlement of the question under that treaty, that it be referred to arbitration; that this appeared to present the only amicable mode of obtaining a decision on that point; and that, if the proposed basis should be accepted by him, I was then authorized and prepared to proceed with him to state the precise question to be submitted, to provide for the appointment of arbitrators, and to enter into all such other stipulations as would make the decision obligatory on both nations.

The Baron de Damas answered that he did not believe that the proposition made by me would be accepted by France. I requested him to be so kind as to state his objection to it. He answered, that he did not believe it would produce any beneficial result. I replied, that the decision would settle a question upon which, after an elaborate discussion between the ministers of the respective nations, and a candid consideration of all the arguments offered on both sides, the two Governments had found it impossible to agree; that this question had, for several years, arrested the progress of a negotiation, having for its object the adjustment of the claims of individuals to a large amount; and that, by removing this obstacle out of the way, that negotiation would probably result in the amicable settlement of all the differences between the two nations. He asked me whether we proposed to submit our claims also to arbitration. Without giving any direct answer, either affirmatively or negatively, to this question, and without stating what my instructions were on that point, I repeated that the United States had, at various times, assigned their reasons for thinking that the two subjects ought not to be connected in the same negotiation; and I asked him if he meant to express his wish that the submission to arbitration should embrace as well the question under the treaty, as that of the claims of individuals. He replied, that, although he was not then prepared to give a definitive answer to my question, yet he did not believe he could consent to an arbitration even on that broad submission; that the Government of the United States seemed to believe that France had no well-founded claim under the Louisiana treaty, and that he was strongly inclined to think that we had no just claim for indemnity on the present Government of France, on account of injuries done to our commerce under the authority of Napoleon; that he did not mean to say that we had not reason to complain of the treatment we had received from the Imperial Government, but that the injuries which we had sustained took place in a time of usurpation, anarchy, and war, and that France neither was able nor bound to pay for all the injuries done under the reign of the usurper.

He observed that we must recollect, also, that, whilst all Europe was suffering from the ravages of war, we had enjoyed a commerce which, after all the spoliations of which we complained, had been profitable; that we had also acquired the fine and flourishing colony of Louisiana

for a sum small in comparison with its intrinsic value, and that, since the restoration, he believed that France had given to the United States no just cause of complaint.

I remarked, that the irreconcilable difference of opinion between France and the United States respecting the meaning of the eighth article, which he had stated as constituting an objection to a reference to arbitration, appeared to me to present the strongest argument in favor of it, and that an expedient of that kind could never be necessary, except in those instances where the two nations found it impossible to decide the question in the ordinary mode of negotiation. I next adverted to his remarks respecting our claims, and expressed my surprise at the ground he had taken. I told him that the justice of a large portion of them had been explicitly admitted by more than one of his predecessors in office; that an offer had been made, more than ten years ago, by the Duke de Richelieu, then Minister of Foreign Affairs, of indemnity for vessels burnt at sea, and for those, the proceeds of which had only been sequestered and deposited in the Caisse d'Amortissement, which offer he had proposed to reduce to writing; that he had afterwards declined to do so, alleging, as his excuse, the unexpected amount of claims which had been demanded by the European Powers, but, at the same time, stating that, as the claims of American citizens had been presented in an official manner, the question would be left open for their discussion at some more favorable time, after France had, in some degree, disentangled herself from her then existing difficulties; that, several years ago, the Viscount de Montmorency stated to Mr. Gallatin that he had examined the papers in relation to the Antwerp sequestrations, and was struck with the justice of those claims. I observed that I could not but consider it as a very remarkable circumstance that, through the course of eight or ten years, it had not been made an objection to our claims that they arose out of the acts of the former Government, and that, therefore, the present Government was not under any obligation to satisfy them; that I submitted it to him to decide whether, after an acknowledgment of the justice of a considerable portion of our claims, after postponing them for years under various pretexts, and after interposing the question under the eighth article as the only reason assigned for declining to proceed with the discussion of them, the doubt he now expressed as to their validity did not appear extraordinary. I observed that I did not think it necessary to examine the question of the usurpation. It was sufficient for the United States that the wrongs of which we complained proceeded from the actual Government of France; that the nation was always liable for the acts of its rulers; and that, to the nation, under whatever form of Government it might assume, we looked, and had a right to look, for reparation; that the existing Government had, to some nations, fulfilled engagements contracted during the Imperial Government, and was equally bound to do so to the United States; and that this obligation was rather increased than impaired by their neutral position in the wars in which France was involved anterior to the restoration.

I then proceeded to notice his observations on the beneficial trade which we had carried on with the belligerents, and remarked that, admitting the fact to be as he had stated, I could not perceive that the right of the United States to ask, and the duty of France to grant, indemnity for spoliations on our commerce could be affected by it; that the trade with the belligerents was permitted and protected by the laws of nations, and we had a perfect right to enjoy all its advances, and to claim reparation for injuries done to our citizens whilst engaged in carrying it on. I added, that I was not exactly able to perceive what connexion the purchase of Louisiana could have with the subjects in discussion between France and the United States. It had, I thought, been admitted on all sides that the acquisition of that province had been made in perfect good faith, and that we had paid the stipulated sum for it. Whether the purchase had been profitable or unprofitable, was foreign, as it appeared to me, to the subject of our conference, and that, therefore, I should, on that point, add but a single observation, which was, that, considering the terms on which France obtained it, and the difficulty she then apprehended in defending it against Great Britain, she had, perhaps, equal reason with the United States to be satisfied with the disposition which had been made of it.

The Baron de Damas observed that our trade with Europe must, after all our losses, have been very profitable, and that, had it been otherwise, we should not have persisted in it when we found it harassed by the spoliations and other injuries, of which we now complained. I answered, that our merchants knew that the trade in which they were engaged was permitted and protected by the laws of nations; that it was entitled to an exemption from the wrongs we sustained, and that the aggressors were bound, in justice, to make reparation for them; that they had reason to hope that the exertions of their own Government, and a returning sense of justice on the part of France, would give them indemnity for their losses, and security against future aggressions; and that, upon these grounds, we might explain their persisting in the trade during the war, without supposing it to have been productive of any unusual profits. I added, that I was convinced the Government of France was too magnanimous and just to wish to set off the fair and legitimate acquisitions of our commerce against our claims of indemnity for property taken from us in violation of the laws of nations.

Having understood from the Baron de Damas that he was not then prepared to give a definitive answer to my proposal, and having brought the whole subject before him, we separated, after a conversation of an hour, he assuring me, at parting, that he would receive the orders of the King on my proposition.

It is unnecessary to make any comments on what I have stated as being substantially the conversation which passed at our interview. I could not discover that conciliatory disposition on the part of France which the United States had a right to expect, from the manner in which they had conducted the negotiation. I confess, from the time at which I received the Baron de Damas's letter of the 11th of November, 1825, I have not been very sanguine in my hopes of a satisfactory arrangement with France.

I have the honor to be, very respectfully,
Sir, your most obedient servant,
JAMES BROWN.

Mr. Brown to Mr. Clay.

[No. 77.] Paris, *December* 28, 1827.

Sir: In the course of the last month I again conversed with the Minister of Foreign Affairs on the subject of the proposal which I had made to him, that the question arising under the eighth article of the Louisiana treaty should be decided by arbitration. Discovering still no disposition on his part to accede to that proposal, I told him that I would send him a note containing a renewal of it, to which I should expect a written answer. I accordingly, on the 19th of December, prepared and sent to him the note, a copy of which I have now the honor to enclose. I shall endeavor to procure the answer with as little delay as possible.

With great consideration,
I have the honor to remain,
Your obedient and faithful servant,
JAMES BROWN.

The Hon. Henry Clay,
Secretary of State, Washington.

Mr. Brown to Baron de Damas.

Paris, *December* 19, 1827.

Sir: In my answer to the letter which I had the honor to receive from your excellency, dated the 11th of November, 1825, I expressed to you my belief that my Government, not satisfied with the reasons assigned for postponing the settlement of the claims of American citizens for indemnity, would persist in renewed applications to his Majesty's Government for their fair and final liquidation. In this expectation, founded on a conviction of the justice of those claims, and a reliance on the honor and magnanimity of the French Government, I have not been disappointed. The situation of the claimants, reduced, in many instances, from affluence to poverty, by the loss of property taken from them by the arbitrary acts of the French authorities, has enlisted the sympathies of their fellow-citizens, and induced them to transmit memorials to Congress, calling upon that body to endeavor, by all constitutional means, to obtain redress for wrongs inflicted in direct violation of the laws of nations. The attention of both branches of the National Legislature having thus been immediately called to this subject, the House of Representatives, at the last session, passed a resolution requesting the President to continue to urge these claims; and expressing a hope, founded on the elevated and liberal policy of his Majesty's Government, that a mode might be discovered for their final settlement.

In the various conversations which I had with your excellency on the subject of the American claims, but more particularly in the conferences of the 7th of September, and 23d of November last, I presented you with a statement of the manner in which these claims had been treated by the present Government of France, since the restoration, when presented by my predecessor and myself. Whilst this retrospect will present, on the one side, hopes excited and disappointed, and arguments left without answers, it will, on the other, it is believed, discover a sincere disposition to urge no unfounded pretensions to facilitate the liquidation of just claims, and to hope that, by patience, moderation, and perseverance, we might at last receive proofs of the justice of the French Government in their final adjustment. It will further prove that, since the restoration, no effort has been wanting on the part of the Government of the United States to present these claims, with the irresistible proofs by which they are supported, fully before his Majesty's ministers, and to leave no room for the suggestion of a doubt as to their validity. If any delay has taken place in bringing the negotiation to a termination, it must be sought for elsewhere, and cannot be attributed to the wishes or conduct of my Government.

Your excellency will permit me again to remind you that, as early as the 9th of November, 1816, Mr. Gallatin addressed a note to the Duke de Richelieu, then his Majesty's Minister of Foreign Affairs, in which, after making a general statement of the claims of our citizens arising under the various illegal acts of the French Government, he demanded indemnity on their account. Receiving no answer to this note until the 26th of December following, he requested an interview for the purpose of being enabled to communicate to his Government the result of his application. This interview took place on the 20th of January; and, in answer to the basis proposed by Mr. Gallatin in his note of the 9th of November, the Duke de Richelieu observed that his offer would fall very short of our demands; that he would not go beyond an indemnity for vessels burnt at sea, and for those, the proceeds of which, after being sequestered, had been deposited in the Caisse d'Amortissement. He added, that he would, without much delay, reduce his proposals to writing. In a subsequent interview, on the 13th of April, 1817, he told Mr. Gallatin that he had concluded not to give a written answer to the note of the 9th of November. In explanation of this change of determination, the Duke stated that it was produced by the unexpected amount of the claims brought against France by the European Powers. He said that, whilst unable to meet the engagements imposed by the invading armies, it was not to be expected that his Majesty's Government would voluntarily contract new obligations; that, although it was not willing to reject absolutely and definitively the claims of American citizens, yet it could not, at that time, admit them; that what he had just communicated could not, for many reasons, be made the grounds of an official answer to the note of the 9th of November, 1816; and that, therefore, a silent postponement of the subject was, perhaps, the least objectionable, since the demand for indemnity having been officially made, the question would be left entire for discussion at a more favorable time, when France might be disengaged from her existing embarrassments. In a despatch from Mr. Gallatin to the American Secretary of State, dated the 12th of July, 1817, stating what had passed between him and the Duke de Richelieu in a recent interview, he reports the Duke to have said that he wished it to be distinctly understood that the postponement of our claims for spoliations did not imply a rejection of them; that a portion of them was considered as founded in justice; that he was not authorized to commit his Majesty's Government by any positive promise, but that it was their intention to make an arrangement for the discharge of our just demands as soon as they could extricate themselves from their actual embarrassments.

In the spring of 1818, France concluded treaties, by which she stipulated the amount due from her to each of the European Powers respectively; and in communicating these treaties to the two Chambers in the month of April, in that year, the Duke de Richelieu made use of the following expressions: "France is liberated from all the debts contracted towards the subjects of the other European Powers prior to the 20th of November, 1815." The limitation of the declaration to European Powers, to the exclusion of the United States, was made at the suggestion of Mr. Gallatin, and was intended to preclude the supposition that any decision has been made by the French Government unfavorable to American claims.

On the 11th of February, 1819, Mr. Gallatin presented a note to the Marquis Dessolles, French Minister of Foreign Affairs, on behalf of a claim of Mr. Parish; and, in that note, particularly invited the attention of that minister to the subject of American claims, generally, by referring to his preceding official notes, which had remained without answers. The Council of State, on the 29th December, 1819, having rejected the petition of the owners of the American ships Telegraph and Dolly, captured by the French frigates Medusa and Nymphe, and subsequently burnt at sea, Mr. Gallatin, on the 15th March, 1820, addressed to Baron Pasquier an official remonstrance against that decision, and more especially the grounds on which it was placed; and demanded that the subject should be laid before the King, and that decision reversed and rescinded. He was afterwards informed by Baron Pasquier that the remonstrance had been referred to the Minister of Justice, who has not yet reported upon it, as far as I have been informed.

Mr. Parish having a deep interest in a certain class of claims, distinguished as the Antwerp cases, Mr. Gallatin, at his earnest request, addressed to Baron Pasquier a note in support of them, dated the 9th of May, 1820. To this note no answer was ever received. On the 31st of October following, Mr. Gallatin addressed another letter to the Baron Pasquier, on behalf of the claim of Richard Faxon, a citizen of the United States; and, in that note, mentioned that his letter of the 15th of March preceding, relative to the cases of the Dolly and Telegraph, remained with-

out an answer. To this note no answer was given. On the 10th of January, 1822, the same minister sent a letter to the Viscount de Montmorency, in which he enters fully into the discussion of the Antwerp claims. No notice was taken of this communication; but, in giving an account to the Secretary of State of a conference which he had with the Viscount Montmorency, on the 27th of January, 1822, on the subject of those claims, Mr. Gallatin states that, on pressing our claims generally, and referring, in their support, to his communications of a preceding date, he complained that, notwithstanding his repeated solicitations during a period of six years, he had not been able to obtain of the French Government redress in a single instance; nor had he yet been honored with an answer. The Viscount de Montmorency answered that he had read the papers relative to the Antwerp claims, and had been struck with their justice. He expressed "his regret that the settlement of this reclamation should have fallen on the present ministry." In a letter from Mr. Gallatin to the Secretary of State, dated 23d April, 1822, he writes as follows: "In several conversations I had with the Viscount de Montmorency on the subject of the Antwerp cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made; but I have not been able to obtain an official answer." Mr. Gallatin, after having obtained the permission of the Viscount de Montmorency to converse with Mr. de Villele on the same subject, states that, in his conference, this minister had observed to him, "that he was already satisfied, from the inspection of the papers in his department, and without having seen any argument, that the claim was just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable. Without disputing the justice of the claim, Mr. de Villele suggested several objections, founded on the magnitude of the wrongs committed by Napoleon, and the alleged inability of France to repair them all. The payments made by France to European Governments had been the result of an arrangement, (*d'une transaction,*) founded on equitable principles, and on an abandonment, on the part of those Governments, of a considerable part of their claims. It appeared to him impossible that an application for funds could be made to the Chambers for the purpose of satisfying American claims, unless it was the result of a transaction of a similar nature.

"Even in that case the engagement to pay any sum at this time for that object would, for the reasons already stated, and for many others arising from the change of Government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information that the commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussion of the two subjects had been separated, one being treated in the United States, and the other here; and he asked whether it was probable that the result of the negotiations at Washington would be known at Paris before the next session of the Chambers, which is to take place in June next." Mr. Gallatin, in conclusion, adds, "I must say that these observations did not appear to me to be made with an intention of throwing new obstacles in the way of an adjustment of our claims, but for the purpose of stating the difficulties which the Government would have to encounter in any attempt to effect that object."

On the 3d of May, 1822, Mr. Gallatin addressed a letter to the Viscount de Montmorency on the subject of the Antwerp claims; and, on the 18th of the same month, he had a conference with that minister on the subject of the American claims generally; which turned on the difficulties which France would have to encounter in the liquidation of them. "The result," Mr. Gallatin states, "of a free conversation on what was practicable, seemed to be that a definitive agreement was preferable to a partial payment; and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum in full discharge of all the demands of the United States for spoliations, and to be distributed by their Government; or the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a sovereign chosen by the two Governments."

On the 1st of June, 1822, the Viscount de Montmorency returned an answer to the note of Mr. Gallatin, in which he states, "the object of your claims is, without doubt, interesting to a great number of individuals; and we have also individual claims to make, which are likewise of great interest to the subjects of the King, whom they concern. I would be the first to wish that the Government could be engaged with them; but you are not ignorant, sir, that there is at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and America.

"The King's Council has judged that it was better to put off the examination of the individual claims, until the negotiation upon the general interests was concluded; and, as soon as that shall have taken place, I shall hasten, sir, to move, in the King's Council, the examination of the claims which form the object of your letter of the 3d of May."

In a note, dated the 13th of June, addressed to the Viscount de Montmorency, Mr. Gallatin, in reply, protested against this new cause of procrastination.

In the mean time, the convention of the 24th of June, 1822, was concluded at Washington, and, on the 17th of August, Mr. Gallatin, in a note to the minister, informs him that "the cause assigned by your excellency, in your letter of the 1st of June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that letter, your excellency will be pleased to bring that important subject before the King's Council."

In a despatch, dated the 24th of September, 1822, addressed to the American Secretary of State, Mr. Gallatin states: "I had yesterday a conference with Mr. de Villele on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries; stated those to be the reclamations of the United States for spoliations on their trade; those of France, on account of Beaumarchais's claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked me if I was prepared to negotiate upon all those points. I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and as I thought that, after all that had passed, we had a right to expect that no further obstacle would be thrown in the way of the discussion of our claims, by connecting it with subjects foreign to them."

On the 6th of November, 1822, Mr. de Villele transmitted a note to Mr. Gallatin, in which, after alluding to the convention recently concluded at Washington, he proceeds to observe that, "if any partial difficulties shall still remain to be removed, they will be easily arranged between two Powers who sincerely wish to establish their relations upon the most perfect equality.

"In this spirit of reciprocal justice, I have received the claims which you have done me the honor to transmit to me, and, without prejudging any thing in their regard, I must, first of all, sir, remind you that France has also claims pending, or to be produced to the Government of the United States. It would appear agreeable to the interest of the two parties, and to the reciprocity of justice and of protection to which the subjects of the two States

have equally a right, that these affairs should be examined and arranged simultaneously by way of negotiation.

"His Majesty's intention would be that these claims and the other points in dispute, upon which the convention of June has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two States, especially in what concerns the duties received in Louisiana on the French commerce, contrary to the tenor of the eighth article of the treaty of cession.

"You will only perceive, sir, in this intention of his Majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding or of complaint between the two States, and on the part of their respective subjects.

"If you are authorized, sir, to follow this march, I pray you to let me know, and I will hasten to demand of the King, the necessary powers to a negotiator charged with treating with you."

In answering this note, Mr. Gallatin, in his letter to Mr. de Villele, dated the 12th November, says: "I have special powers to negotiate a convention providing for the just claims of the citizens of the United States against France, as also for the like claims of French subjects against the United States, with such persons as may have a like authority from his Most Christian Majesty. As minister of the United States, I am authorized to discuss the question respecting the construction of the eighth article of the Louisiana treaty, and to give and to receive explanations on that subject. But the negotiation on that point having been transferred to Washington, no special powers, in that respect, have been transmitted to me. I had understood, in the course of the conference I had the honor to have with your excellency on the 23d of September, and had accordingly written to my Government, that it was not intended to insist that that subject should be blended with that of private claims. It is indeed obvious that it would be utterly unjust to make the admission of these to depend on the result of a negotiation on a subject with which they have no connexion whatever, and the difficulties respecting which are of a date posterior to that of the claims.

"All the representations which his Majesty's Government has made to that of the United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the Government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject on which they might happen to take a greater interest. The question concerning the eighth article of the Louisiana treaty has, in particular, been the subject of a voluminous correspondence; in the course of which, arguments, in support of the construction insisted on by each party respectively, were made known to the other. I have, in the mean while, for six years, made unceasing applications to his Majesty's Government for the settlement of claims to a vast amount, affecting the interests of numerous individuals, and arising from flagrant violations of the law of nations and of the rights of the United States, without having ever been able to obtain, to this day, satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have, at different times, been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it shall be treated in connexion with one foreign to it, and which has already been discussed. The United States have, at least, the right to ask that their demands should also be examined and discussed; and I trust that, since I am authorized to treat as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay."

The reply of Mr. de Villele to this letter, continuing to insist that all the points of agreement should be embraced in one negotiation, Mr. Gallatin had no alternative left but that of referring the whole affair to his Government, which was accordingly done.

Mr. Gallatin, on his departure from Paris, left Mr. Sheldon in charge of the affairs of the United States, who, having received instructions to that effect, addressed a note to the Viscount de Chateaubriand, then his Majesty's Minister of Foreign Affairs, insisting on entering into a discussion of the American claims, without connecting it with the question under the eighth article of the Louisiana treaty, which note remained unanswered.

On the 28th of April, 1824, and soon after my arrival in France, I presented to the same minister a note to the same effect with the one presented by Mr. Sheldon, and, on the 8th day of May, received his answer, in which he insists on connecting, in a single negotiation, all the points of difference between the two nations. Having communicated this answer to my Government, it thought fit, after the accession of his present Majesty to the throne, and your excellency's appointment to the office of Minister of Foreign Affairs, to instruct me to make another effort to obtain a hearing of our claims unconnected with the subject of the eighth article; and, accordingly, in conformity with my instructions, I addressed a note to your excellency to that effect, dated the 22d of October, 1824.

I shall not fatigue your excellency by reverting to the delays which interposed themselves between the date of this note and its answer, but shall content myself with expressing my regret that this answer adhered to the determination of your predecessor, and contained a refusal to discuss the claims otherwise than in connexion with all the other points of disagreement between the two Governments.

I have thus presented your excellency with a brief but faithful review, derived from official correspondence, of the course of conduct pursued by France in relation to the claims of our citizens for spoliations on their property, amounting to many millions of dollars, and founded on wrongs of the most aggravated character.

I shall forbear from repeating the arguments which have been urged, at various times, in support of those claims. They have never been answered by the Government of France, and are believed to be unanswerable. Their justice has not yet been denied, nor in any way controverted, unless the letter of your excellency of the 11th of November, 1825, upon which I shall hereafter remark, shall be considered as intended for that purpose. The justice of a very large portion of them has been expressly acknowledged by more than one of his Majesty's Ministers of Foreign Affairs. An offer was made, more than ten years ago, by the Duke de Richelieu, of indemnity for vessels burnt at sea, and for those of which the proceeds had only been sequestered and deposited in the Caisse d'Amortissement; which promise he expressed his intention to reduce to writing, but afterwards declined to do; stating, at the same time, that he was not willing to reject the claims of our citizens definitively, but that they could not be admitted at that time. He afterwards stated that he wished it to be clearly understood that a postponement did not amount to a rejection. Nearly six years ago, the Viscount de Montmorency stated to Mr. Gallatin that he had read the papers relative to the Antwerp sequestrations, and that he had been impressed with a sense of the justice of the claim. On a subsequent occasion, the 18th May, 1822, a prospect, unfortunately not afterwards realized, was presented of a satisfactory arrangement by

the payment of a stipulated sum, in full discharge of the demands of the United States for spoliations, to be distributed by the American Government, or by the reference of the whole case to a joint commission.

The causes which have hitherto delayed or obstructed the fulfilment of the well-founded expectations of the Government of the United States, are far from being satisfactory. When these claims were first presented by Mr. Gallatin, in 1816, and for some time afterwards, the embarrassed state of France was assigned as a motive for their postponement until a more auspicious period. This period arrives, when France is again rich, prosperous, and powerful, and her finances flourishing. It is then intimated by France that our claims might have been more favorably received had they been pressed forward at an earlier day. We have, unfortunately, it would seem, always been too soon or too late.

The commercial difficulties which afterwards arose between the United States and France, and which originated with the latter, were made a cause for the further postponement of the American claims until those difficulties should be adjusted. These were happily removed by the convention concluded at Washington in June, 1822. The United States had then a right confidently to expect the long deferred indemnity. In this they were disappointed, by the interposition, on the part of France, of a claim under the eighth article of the Louisiana treaty, which, I am sorry to say, appears to my Government in the light only of another mode of procrastinating the adjustment of its claims. The claim of France, under the Louisiana treaty, has already been fully examined and elaborately discussed by the two Governments: every argument has been exhausted, the most respectful and patient attention has been given to the pretensions of France, and the result has been a full conviction, on the part of my Government, that those pretensions rest on no solid foundation. Even on the supposition that France entertains the opposite conviction, it is not easy to perceive how she can derive from it any just reason to withhold satisfaction of our claims. The two subjects are incongruous and unconnected. The one rests upon a contract, in the interpretation of which the parties may sincerely differ; the other arises out of wrongs committed in notorious violation of the law of nations, the character of which admits of no difference of opinion. The one is national, the other individual. Supposing the respective claims of the two nations to be similar, the priority of injury gives to the United States a right to prior redress. Nor can any adequate motive be perceived for withholding that redress, from the consideration of settling all matters of difference. The propriety of removing, if practicable, all causes of misunderstanding, is readily admitted; but if that be not attainable, it does not follow that none should be removed; and, especially, it does not follow that those should not be obviated which are attended with a deep sense of the injuries from which they have originated.

It may be true, as your excellency has alleged, that his Majesty, on ascending the throne of his ancestors, could not take, nor has taken, the engagement to satisfy all the charges imposed on him as indemnity for the depredations committed by the usurping Government; and yet the obligation of France to redress the injuries suffered by the citizens of the United States may be perfect. I do not consider it necessary to discuss the question of the usurpation which is presented in your excellency's letter: it is sufficient for the United States that those wrongs and depredations proceeded from the actual Government of France for the time being, and that the responsibility of France to make reparation for wrongs committed under the authority of any form of Government which she may have established, or to which she may have submitted, from time to time, cannot be reasonably contested. The King of France, on ascending the throne of his ancestors, assumed the Government, with all the duties, rights, and obligations which appertained to the French nation, and, it is believed, cannot justly claim absolution from any of those obligations or duties. The complaint of my Government is precisely that his Majesty's Government has not taken upon itself the engagement to make that indemnity to which American citizens are entitled in consequence of the wrongful acts committed under previous French Governments. That engagement might have been voluntarily assumed by his Majesty's Government, from a spontaneous sense of justice, and the claims of American citizens liquidated without the interposition of the Government of the United States. It is because that has not been done, that the interposition of the United States became necessary, and has been constantly made during the last twelve years.

The Government of the United States is always ready to acknowledge any proofs of justice or benevolence which may be exhibited by other nations towards its citizens. It cannot, however, entirely concur with your excellency in estimating as among the number any consent which France has hitherto given to examine the claims of American citizens, connected, as that consent has been, with inadmissible conditions. Nor can my Government admit the propriety of associating, in the same negotiation, the disputed demand under the eighth article of the Louisiana treaty with incontestable claims of American citizens, a large portion of which claims, as I have already had the honor to show, so far from being questioned, has been admitted by France to be just.

The President of the United States has seen, with surprise and regret, the adherence of France to the principle of such an unnatural connexion. But whilst my Government must constantly protest against it, and reiterate its strong conviction that the claim of France, under the eighth article of the Louisiana treaty, has no just foundation, I have been instructed, with a view of affording a signal proof of the equitable and conciliatory disposition of the United States, to propose to you, as a basis for the settlement of the question arising under that article, that it be submitted to arbitration. I have now the honor of making to you, sir, distinctly that proposal; and should that basis be agreed to by his Majesty's Government, I am authorized, and shall be ready, in concert with your excellency, to proceed to agree upon and state the precise question to be submitted, and to arrange and prepare whatever may be necessary to carry the arbitration into effect. I sincerely hope that this proposal may be accepted in the same friendly and conciliatory spirit in which it is made, and that it may remove the great obstacle which has hitherto opposed itself to the adjustment of all the existing subjects of dispute between the two Governments. Whatever may be your excellency's decision upon this proposal, I hope I shall be favored with an answer at as early a day as your convenience will permit; and I avail myself with pleasure of this occasion to renew to your excellency the assurances of the high consideration with which I have the honor to be, &c.

JAMES BROWN.

Mr. Brown to Mr. Clay.

[No. 80.] PARIS, *27th February*, 1828.

SIR: The Baron de Damas, late Minister of Foreign Affairs, not having returned any answer to the letter which I addressed to him on the 19th of December last, I resolved to resume the subject with his successor, as soon as I could ascertain that the new ministry had found, in the disposition of the two Chambers, some security for their continuance in office. The best view which I have been able to take of the temper and composition of the Chambers, having satisfied me that no immediate changes would probably be made, at least none in the Department of

Foreign Affairs, I requested and obtained an interview with the Count de la Ferronnays, at which, after presenting him with a brief outline of the negotiation for indemnity, and the manner in which it had been unexpectedly arrested by the interposition, on the part of France, of her claim under the eighth article of the Louisiana treaty, I expressed my earnest wish that he would give me his answer to the proposal which I had made to submit the question under that article to arbitration. I told him that the President had always considered the delay occasioned by the claim of France, under that article, as a grievous hardship to such of our citizens as had been unjustly deprived of their property by acts of the French authorities; and therefore felt the most earnest solicitude to remove out of the way every pretext for the further postponement of the adjustment of their claims. I observed that it was with this view, and also in order to afford to France a striking proof of his conciliatory disposition, that he had instructed me to propose the submission of that question to arbitration. I added that I could perceive no reasonable objection which France could urge against the mode proposed, which seemed to be the only one left for deciding a question upon which, after the most elaborate discussions, and perhaps with an equally sincere desire of coming to a friendly understanding, the two Governments had not been able to agree. I concluded by repeating, in the most earnest manner, my hope that I might be favored with an early and definitive answer to the proposal contained in my letter.

In reply to my observations, Count de la Ferronnays remarked, that circumstances which he presumed were known to me, (alluding, as I believe, to his long absence from France as ambassador to the court of St. Petersburg, and his recent appointment to the Department of Foreign Affairs,) together with the urgency of business arising out of the present state of affairs, had hitherto prevented him from devoting his attention to the subject of our negotiation; that the mode I had proposed of deciding the question under the Louisiana treaty, had, he believed, already, in some instances, been advantageously resorted to by the Government of the United States; that he felt himself deeply sensible of the importance of preserving the good understanding which had so long existed between France and the United States, and was sincerely disposed to place the relations of the two countries on the most friendly footing; that, although he was not at that moment sufficiently well acquainted with the subject to accept or reject the proposed mode of adjustment, yet that he would, with as little delay as possible, examine the correspondence, and give me his definitive answer. He added, that after an attentive examination of the subject, and before he should send me his answer in writing, he would seek an opportunity of having a frank and friendly conversation with me on the points in dispute between France and the United States, in order to pave the way to a settlement of all differences now existing between the two nations.

I assured him that I should at all times be ready and willing to enter with him upon the examination of the subject, and that I felt a strong expectation that, with mutual good dispositions, we might arrive at an amicable and satisfactory settlement of them.

With all the disappointments we have experienced in the course of this long, vexatious, and hitherto unprofitable negotiation, fresh in my recollection, I cannot suppress a hope that we shall meet in the disposition of the present ministry a more favorable course of proceeding in relation to our claims, than we experienced from the last.

The high reputation the Count de la Ferronays enjoys for candor and justice, his habits of business, and I trust freedom from any unreasonable prepossessions against our claims, justify a hope that he will not unnecessarily retard the settlement of them, by insisting that we shall surrender our rights under the Louisiana treaty in order to obtain indemnity.

However this may be, I shall lose no time in obtaining, if possible, a satisfactory answer on the subject of the proposed arbitration.

I have the honor to be,
With great respect, sir,
Your obedient and faithful servant,
JAMES BROWN.

Hon. Henry Clay,
Secretary of State, Washington.

Mr. Brown to Mr. Clay.

[No. 84.] Paris, *May* 12, 1828.

Sir: I addressed a note to his excellency the Minister of Foreign Affairs, requesting an interview, and received his answer appointing the 8th instant for that purpose. My object was to urge him to answer the letter which I addressed to his predecessor on the 19th day of December, 1827.

I told him that I had delayed pressing for that answer until sufficient time had been allowed him to examine the whole correspondence on the subject of our claims; but that I hoped he was now prepared to communicate his decision upon the point to which my letter related.

He observed that the American claims were large in amount; that, even omitting for the present any objections he might find it necessary to make to them, he feared he could not encourage a hope that they would be satisfied, because, in the present state of the finances of France, with a large deficit in the revenue, a proposal for a large loan, and the probability of augmented expenses on the part of the Government, arising out of the state of affairs in Europe, he could not perceive how ministers could, with any prospect of success, apply to the Chambers for an appropriation sufficiently large to satisfy the American claimants.

I answered, that the amount of the claims proved the extent of the injury sustained by the claimants, but could not be urged as a reason why France ought not to liquidate them; that the object of the letter to which I had immediately called his attention, was to remove, by arbitration, an objection which had for some years been made to the discussion of our claims, and that I hoped it would be convenient for him, without any further delay, to inform me whether the proposal made by the President had or had not received his approbation.

He replied that, on examining the question, he had determined to submit it to the Council for its decision, that he would prepare a statement for that purpose, and, so soon as he obtained a decision, he would send an answer to my letter.

In the course of the conversation, he intimated that our claims might have had a better prospect of success had they been presented and urged with the European claims at the general settlement which took place anterior to the evacuation of France by the allied armies. I observed that we had been neutral in the war which led to that settlement, and could not properly become parties to it; that our claims were against France for injuries done to our citizens at a time when the two countries were in a state of peace, and that we had always relied on the justice of the French Government for indemnity. As he did not further insist on this point, I presume he considered it as having no important bearing on the question.

I have the honor to be,
With great consideration, sir,
Your faithful and obedient servant,
JAMES BROWN.

Hon. Henry Clay, &c. &c. &c.

Mr. Brown to Mr. Clay.

[No. 85.] Paris, *July* 29, 1828.

Sir: In my despatch No. 84, I had the honor to inform you that the Minister of Foreign Affairs had assured me that he would submit to the Council my letter of the 19th December last, and communicate its decision by an answer to that letter. At that time, and, indeed, for some time after, it was not considered altogether certain that the present ministry could command a majority in the two Chambers. The course pursued by them since the opening of the Legislature, has so well corresponded with the public opinion, that they have succeeded in passing all the important laws proposed by the King by large majorities, and, consequently, that they have a fair prospect of a long tenure of their places: our claims for indemnity were mentioned in favorable terms by some members of the Chamber of Deputies, and I considered the moment as having arrived when I could press them with some hope of success. I therefore sought a conference with the Minister of Foreign Affairs, who received me, on the 24th instant, at ten o'clock in the morning.

I introduced the subject by remarking that I had permitted some time to elapse since my last conversation with him on the subject of American claims to indemnity; and on the subject of my letter to the Baron de Damas, of the 19th of last December, that I was not ignorant that much of his time was necessarily devoted to the important discussions in the two Chambers, but that I hoped enough had remained to enable him to submit the correspondence on the subjects to the Council, and that he was then prepared to communicate to me its decision.

He replied that he regretted very much that he could not then offer me a satisfactory answer; that he had, on more than one occasion, mentioned the subject in Council, and expressed his wish that the negotiation should be brought to a close; that he thought we had a right to expect it; that he had stated in Council that his own situation was unpleasant in being compelled to meet our applications for a decision by postponements; that, for himself, he preferred an immediate examination of our claims, in order that, if groundless, they might be definitively rejected; if just, that they might be admitted, and provision made for their payment. He added that, although he did not meet in Council with any decided opposition to the course he wished to pursue, yet it was believed that these claims not having been presented at the general settlement, and being now of ancient date, could not be fairly examined until after the adjournment of the Chambers.

I told him that an attentive perusal of the correspondence would satisfy any impartial mind that the claims to indemnity ought not to be objected to on either of the grounds which had been mentioned; that the United States had, during the long war in which France had been involved, preserved their neutrality; that they had no share in the events which led to the settlement which terminated that war; that, in reporting the settlement of the claims on France, the Duke of Richelieu had pronounced in the Chambers that she had discharged her engagements with, and satisfied the claims of the European Powers; omitting the American claims from the communication, they being reserved for discussion and settlement, at the express suggestion of the minister of the United States. I observed that, as early as the date of the obnoxious decrees, in consequence of which we suffered the losses for which we now ask indemnity, our minister at Paris had remonstrated against them, and against the spoliations and wrongs we suffered under them; that Mr. Barlow had been sent to France, instructed to demand reparation of the Imperial Government, which, but for his unfortunate death, he would probably have obtained; that, notwithstanding the existence of the war between the United States and Great Britain, Mr. Crawford, not long after Mr. Barlow's death, arrived in Paris with instructions and powers to carry on the negotiation, but had been prevented from proceeding in it, by the great events which happened in 1814 and 1815; that, early in 1816, Mr. Gallatin arrived, and, after presenting the claims, continued during nearly seven years earnestly urging their settlement. I concluded by mentioning that my efforts to bring the negotiation to a close had, for more than four years, been as unremitted as they had been unsuccessful, and that I could not, under these circumstances, conceive how our claims could be objected to on account of their ancient date. He repeated what he had already said as to his own wish to bring the negotiation to a close, and assured me that he would again, as soon as the session shall have closed, submit the question in Council, and transmit to me his answer to my letter of the 19th December.

On the 26th, I addressed to him a note, of which I have now the honor to enclose a copy.

I have the honor to be,
With great consideration, sir,
Your most obedient servant,
JAMES BROWN.

Hon. Henry Clay, &c. &c. &c.

Mr. Brown to Count de la Ferronnays.

Paris, *July* 26, 1828.

Sir: in the interview with which your excellency honored me on the 24th instant, I expressed to you the regret I felt at the delay, on the part of the French Government, in adjusting the claims for indemnity on behalf of certain citizens of the United States, and in giving an answer to my letter addressed to your predecessor on the 19th of last December, in which I proposed to submit to arbitration the question arising under the eighth article of the Lousiana treaty.

The intimation given me by you, that some objection had been made to those claims because they had not been presented with those of the allied powers anterior to the evacuation of France, and because of their ancient date, excited some surprise. The United States had never been parties to the war which was to be terminated by that liquidation, but had always occupied a neutral position in relation to France. The correspondence between the two Governments, if carefully examined, will prove that any postponement of the adjustment of American claims which has taken place is attributable to the French Government alone, which has, on various alleged grounds, declined entering into a discussion of them, and not to the United States, who have constantly urged their final settlement.

Your excellency has expressed to me your intention again to submit the questions now depending between France and the United States to the Council, so soon as the urgent business of the session of the Chambers shall have terminated; and I have now earnestly to request that you will carefully examine the whole correspondence, and particularly notice the repeated and constant efforts which have been made by my Government to obtain a settlement of those claims; efforts which, I have reason to believe, would have been successful, but for the delays which had been opposed by France to the progress of the negotiation.

With a sincere, and, I trust, mutual desire to settle these questions, which are the only ones which can, by possibility, disturb the harmony which has so long and so happily existed between the United States and his Majesty's Government, I have reason to hope that we shall be enabled to bring them to a speedy and satisfactory conclusion. I have the honor, &c.,

JAMES BROWN.

His Ex. Count de la Ferronnays,
Minister of Foreign Affairs, &c. &c. &c.

Mr. Brown to Mr. Clay.

PARIS, *November* 12, 1828.

SIR: The Minister of Foreign Affairs having returned to Paris from the mineral waters of Germany, where he spent some weeks for the benefit of his health, I addressed to him a note requesting an interview.

He appointed the 6th instant to receive me. I called upon him on that day, and reminded him of the promise he had made me at our last conference to lay before the Council the American claims for indemnity, and also the proposition I had made to submit to arbitration the question arising under the eighth article of the Louisiana treaty of cession; and I expressed my anxiety to obtain his answer on both those subjects.

He observed that he regretted to find himself under the necessity of again postponing his answer; that he had more than once mentioned the subject in Council; that there appeared to be some diversity of opinion respecting our claims; certain persons intimating that, as they arose under the Government of Napoleon, the present dynasty was not responsible for them; others believing that the claims of citizens of the United States ought to have been presented and adjusted contemporaneously with those of the subjects of European sovereigns: that it was his intention again to bring the question before the Council, which would avail itself of the information which might be derived from Count de Ravenal, who, having been employed in the Department of Foreign Affairs at the time when our claims against France originated, could probably throw much light on the facts and circumstances connected with them. He observed that the constant neutrality of the United States during the wars in which France was involved anterior to the restoration, and the appeals they had made, not to force, but to reason and justice, in order to obtain the liquidation of their claims, constituted a strong argument in favor of them. He concluded by repeating what he had said on former occasions, that no person could desire, more than he did, that all the matters in dispute between the two nations should be brought to an amicable conclusion.

I observed that the objections which had been made to our claims, as stated by him, had already been met, as I conceived, by conclusive answers; that I regretted every renewed postponement of the question the more deeply, inasmuch as the ancient date of our claims had been suggested as an objection to them; and that I sincerely hoped that the time would soon arrive when we might commence the discussion with that mutual disposition to terminate it satisfactorily, which I hoped was felt by both Governments.

He promised me his early attention to it; and, as I could see no probable advantage which could be derived from pressing the business further at this time, we terminated the interview.

I have the honor to be,
With great consideration, sir,
Your faithful and obedient servant,
JAMES BROWN.

Mr. Rives to Mr. Van Buren.

[No. 5.] PARIS, *November* 7, 1829.

DEAR SIR: In my last communication I mentioned that I had requested a conference with the Prince de Polignac, for the purpose of calling his attention to the principal subjects with which I was charged, and that he had fixed Monday, the 2d day of this month, for the interview. On that day, accordingly, I waited on him, and opened the conference, on my part, by observing that there were several questions of considerable interest between the United States and France, which remained unsettled. That the President of the United States, being sincerely desirous of cultivating the most friendly relations with his Majesty's Government, and fearing that, if these questions should remain longer unsettled, they would create feelings of dissatisfaction, and tend greatly to impair the good understanding which had heretofore existed, was anxious that they should be now disposed of. That the most important of these questions was that which related to the indemnity due to us for the various and aggravated injuries committed upon our neutral rights and commerce by the former Government of France. That this claim had been pending for a very long time: that it had never ceased to be prosecuted by us with a thorough conviction of its justice; but that it had never yet been decided on by his Majesty's Government.

Here the Prince interposed, by remarking that he "feared it had been decided on that they had nothing to do with the acts of Bonaparte."

I replied that, without occupying his time at that moment with any argument in support of the doctrine, I would only remark, that we considered it an established principle that the acts of the existing Government of a country (especially one which had been so long recognised by the other Powers of the world as that of Bonaparte) attached to the nation, and devolved, with all their consequences and responsibilities, upon every succeeding Government which should administer the affairs of the nation, and that this principle had been practically admitted by his Majesty's Government at the period of the restoration, in the various indemnities granted to the allied sovereigns for injuries and losses proceeding from the acts of Bonaparte.

The Prince then remarked that he did not think that any of the cases in which indemnities had been granted to the allied sovereigns were the same as ours. To which I replied, that, although the cases might not be identical in their individual circumstances, the claim to indemnification proceeded on one and the same principle in all, to wit, the obligation of the present Government of France to repair injuries and losses occasioned by the acts of the preceding Government. I also remarked, that if any discrimination were to be made between the United States and the allied Powers, we might reasonably expect a more favorable consideration for our claims than theirs; for, while those Powers had neither regarded the convenience nor consulted the free will of France in pressing their demands at the time, and under the circumstances they did, we had, without ever having relaxed in the friendly prosecution of ours, patiently waited for their final adjustment until she had recovered from her embarrassments, and had heretofore relied exclusively on the moral energies of justice and reason to sustain them. I also added, that, instead of his Majesty's Government having heretofore decided against our claims, as he seemed to suppose, we had every reason to believe that many of his Majesty's ministers, the predecessors of his excellency in the Department of Foreign Affairs, had entertained and expressed far different opinions concerning them. I then referred, in very general terms, to the favorable sentiments understood to have been entertained or expressed by the Duke de Richelieu, Viscount de Montmorency, Mr. Villele, and the Compte de la Ferronnays, and added, that we should expect not less favorable views when he came to investigate the subject, from his own elevated sense of justice.

To this he replied, that whatever was just must be done; that he did not profess to be particularly acquainted with the subject; that the papers relating to it were all in his department; that he would examine them as soon as practicable, and, when he had done so, would invite me to another interview.

I then called his attention to the subject of the discriminating duties levied on the cargoes of American vessels

which had touched at intermediate ports in their voyage to France; explained to him the circumstances under which this had been done, and that we considered it a manifest departure from the commercial convention of 1822, which, entirely silent as to the character of the voyage, either as direct or indirect, made the national character of the cargo and the vessel the sole condition of its benefits.

He remarked that, where vessels stopped at intermediate ports, there was always danger of fraud, and that articles not the produce of the United States might be added to the cargo. To which I thought it necessary to make no other reply than that, in the cases which had occurred, no fraud was alleged, and that the fact was proved, beyond question, that the vessels and cargoes were wholly of the United States origin and ownership.

I then mentioned to him the promptitude with which the Government of the United States had, on the representation of Baron Mareuil, given orders for the restitution of the discriminating duties which had been demanded by its custom-house officers in the instance (much less clearly entitled to the benefit of the convention) of French vessels which had not merely touched, but actually disposed of a portion of their cargoes in the French West India islands, which seemed to strike him with considerable force. He said he would examine the papers connected with the subject, and, when he had done so, would let me hear from him.

I thought this first occasion of opening the subjects of my official intercourse with the Minister of Foreign Affairs a fit one for communicating to him other acts of the Government of the United States, which, manifesting the liberal spirit of our councils towards France, would have a tendency, I hoped, to elicit corresponding dispositions on the part of her Government towards us. In this view, I explained to him, with some detail, the recent and highly favorable regulations of our tariff in regard to the most interesting objects of the industry and commerce of France—her silks and her wines. I represented to him that some of these regulations were special favors granted to France, and proceeded from a sincere desire to strengthen our good understanding with her by substantial advantages given to her trade; that, in thus evincing the friendly sentiments of the United States for his Majesty's Government, we were encouraged to hope for such reciprocal dispositions on its part, as would not only lead to a more equal adjustment of the commercial relations of the two countries, but to a just and equitable settlement of all the other questions now pending between them; and that I should be proud, at all times, to concur with his excellency in every measure calculated to give the fullest effect to these dispositions on both sides.

The Prince very frankly, and with apparent satisfaction, recognised in the acts to which I referred, evidences of the friendly dispositions of the United States towards France, and said that I might be assured he would do every thing on his part to preserve the friendship which had heretofore existed. He concluded, by repeating that he would examine, as soon as practicable, the two subjects I had presented to his consideration, and, when he had done so, would invite me to another interview.

In taking leave of him, I expressed the hope that his examination would be attended with as little delay as possible, as that which had already taken place in the settlement of these questions had given rise to feelings of discontent in the United States, which, if there should continue to be occasion for them, might derogate very much from the force of the motives now felt by both Governments to cultivate a friendly intercourse with each other.

The object of this interview being a mere preliminary exposition of the subjects I was instructed to present to the consideration of the French Government, and with which it was evident the new minister had very little previous acquaintance, I did not think it either necessary or proper to enter into any formal discussion of them at that time. I therefore contented myself with such observations, *en passant*, as his own remarks of the same character would alone have justified. The next interview, in developing the more mature and better informed views of the minister, will, in all probability, call for more precise and detailed discussion on my part.

I have the honor to be,

With sentiments of great respect, yours, &c.

W. C. RIVES.

To the Hon. M. Van Buren, *Sec'y of State.*

Mr. Rives to Mr. Van Buren.

[No. 7.] Paris, *November* 19, 1829.

Dear Sir: Not having yet received from Prince Polignac an invitation to another interview on the subject of my conference with him of the 2d instant, I infer that he has not completed the examination he then promised me to make with as little delay as possible. Considering the great extent of one of those subjects especially, and the mass of papers in which it is now involved, a good deal of time must be necessarily allowed for the investigation, to one to whom the whole matter is new, and whose attention, it is understood, has been cotemporaneously occupied by other very urgent interests, as well foreign as domestic.

The modifications of the treaty of Adrianople in regard to the amount of the Turkish indemnity, and the military occupation of the Russians, (which it is believed that this Government has co-operated with that of Great Britain in urging on the Emperor Nicholas,) the changes of interior organization consequent on the new ministry, the surveillance of an active opposition, and, lastly, serious divisions among the ministers themselves, have, it is supposed, furnished full employment, for some time past, to the Minister of Foreign Affairs and his colleagues.

This last source of distraction has terminated, for the present, by the resignation of Count de la Bourdonnaye, Minister of the Interior, and one of the most able, as well as obnoxious of the ministers; the transfer of Mr. Montbel from the Department of Ecclesiastical Affairs and Public Instruction to that of the Interior, and the appointment of Mr. Guernon de Ranville, not heretofore of the ministry, to fill the place of Mr. Montbel, all of which changes are announced by an ordonnance of the King published this morning. Prince Polignac has, at the same time, been constituted President of the Council of Ministers; the proposition for which is said to have been the immediate cause of the resignation of Count de la Bourdonnaye.

These changes, it is supposed, will bring with them no change in the spirit or policy of the administration; and, if we may judge from the language of the anti-ministerial journals on the occasion, are not likely to be accepted by the opposition as a propitiatory sacrifice to them.

The spirits of the latter are much elevated, and those of the court said to be depressed in a corresponding degree, by the recent election (to supply a vacancy) of a liberal deputy, by the town of Bordeaux, heretofore so distinguished for its loyalty and attachment to the doctrines supposed to be peculiarly personified in the present ministry.

I have the honor to be, with great respect, yours, &c.

W. C. RIVES.

Hon. M. Van Buren, *Secretary of State.*

Mr. Rives to Mr. Van Buren.

[No. 8.] Paris, *December* 17, 1829.

Dear Sir: You will perceive, from the enclosed note, that, after waiting for some time for the promised invitation of Prince Polignac to another interview on the sub-

jects of my former conference with him, I determined to ask one myself. The situation of the minister, as being heretofore entirely unacquainted with the subjects of discussion between the two Governments, and having been very much occupied with other affairs, both foreign and domestic, since he came into office, seemed to me fairly to claim for him a liberal allowance of time for his investigations. For this reason, as well as that, under existing circumstances, the manifestation of impatience on my part could do no good, and might possibly do harm, I forbore to ask an interview earlier, especially as, in one or two casual meetings with him, of which I profited to recall his attention to the matters I had presented for his consideration, he informed me that he was then engaged in investigating them.

The time, however, seemed to me at length to have arrived when a further acquiescence in this delay, on my part, might be subject to misconstruction in regard to the importance which the Government of the United States attached to the demands I had presented. I, therefore, on the 10th instant, addressed the enclosed note to Prince Polignac, to which I received his answer, fixing Monday, the 14th instant, for the interview.

He opened the interview on that day, by saying that he was not yet ready to discuss with me the principal subject I had presented to his consideration; that he had been very much engaged, as he presumed I was aware, with other matters; that the subject itself was a complicated one, and involved in a large mass of documents and papers, some of which it was necessary to obtain from other parts of Europe; that the whole subject was now undergoing examination, but that he had as yet been able to acquire only a very imperfect knowledge of it himself.

I remarked that it was hardly necessary to trouble himself with all the details he had alluded to; that the general character of our claims, and the principles applicable to them, lay within a much narrower compass, and could be readily gleaned from the correspondence which had taken place here between the respective organs of the two Governments.

He said he was aware of this, but that, in a matter of so much importance, he preferred having a view of every thing, however minute, himself, and that, moreover, he wished to put down his views in writing.

I then repeated the hope, which I had already very earnestly expressed, that he would suffer as little delay as possible to occur in the further investigation of this subject; and I endeavored to impress upon him the importance of an early attention to it, by alluding to the recent proceedings in the United States, which manifested the deep interest felt in it by the nation: to which I added that the Government entirely sympathized in this national sentiment; that the question was considered not as affecting the interests of individuals only, but, from the nature of the outrages which had given rise to the claims of our citizens, as one deeply involving the rights and honor of the Government and nation; and that, in all its bearings, the subject must exert an important influence on the future relations of the two countries.

The Prince renewed his promise to examine the subject with as little delay as the nature of the investigation, and his other engagements, would admit; and here the interview seemed to have reached its termination. But, after a short pause, he remarked that what he was about to say he hoped I would not consider as the expression of an opinion; but he must say that, as far as he had yet gone in the investigation of our claims, he did not view them in the same favorable light that I did.

I thought this a fit opening for meeting some of the prepossessions which my first interview with him had disclosed the existence of on his part; and I took advantage of it accordingly.

I adverted first to the impressions he seemed to entertain that his Majesty's Government had heretofore decided against our claims; and reviewed, somewhat in detail, the history of the negotiation, for the purpose of showing that the failure to settle them was in no sense a rejection, but proceeded from various collateral considerations alleged as grounds of postponement merely; these postponements, too, being accompanied, in most of the instances, with expressions of opinions, on the part of his Majesty's ministers, decidedly favorable to the intrinsic validity of a large portion of our claims.

He said very promptly that, on this point, he found he had been mistaken.

I then referred to the idea intimated by him in our first interview, that his Majesty's Government could not be held answerable for the acts of Bonaparte; and remarked that, independently of the long-settled and well-established principles of international responsibility in such cases, there were considerations connected with the American claims, which made it clearly equitable that his Majesty's Government should indemnify us for these wrongs of Bonaparte; that most of the property for which we now claimed compensation, had been actually applied to defray the expenses of the French Government, had supplied the place of national contributions or public loans, and diminished, by so much, the burdens which had been imposed on the nation, or which had descended from Bonaparte upon his Majesty's Government; and that his Majesty's Government and the French nation, having thus received the benefit of the wrongs committed, were in equity, as well as on the sterner principles of international law, now bound to repair them.

He said this argument might be admitted to be a good one, if its effect were not to subject his Majesty's Government to new and indefinite demands from the European Powers. That, at the period of the restoration, they claimed nothing on behalf of their subjects for property forcibly taken away, but only for supplies furnished by virtue of contracts.

I replied that the American claims seemed to me to present a much stronger case; for, while the subjects of the European Powers had voluntarily yielded their property to the purposes, and advanced it on the credit of the usurping Government, that of our citizens, not less serviceable in supplying the real wants of the nation, had been appropriated, by the violence of the Government, without their consent, constituting, in effect, a species of forced loan.

I also remarked that I did not understand that the reclamations of the European Powers, which had been allowed by his Majesty's Government, were confined to cases of contract. The arrangement with Great Britain, particularly, made his Most Christian Majesty responsible for "all property, real or personal, of British subjects, which had been unlawfully confiscated since 1792."

I also mentioned, as exceptions to the supposed principle, two very striking examples in the arrangement with the continental Powers: The first, that of the Hamburg bank, from which Marshal Davoust, in the year 1813, forcibly abstracted funds to the amount of fifteen millions of francs, and for which his Majesty's Government, in pursuance of the third article of the convention of the 20th November, 1815, with the continental Powers, had made compensation by a special convention with the Senate of Hamburg, on the 27th day of October, 1816; the second, that of the merchants of the Grand Duchy of Berg, in whose hands Bonaparte had, by an arbitrary and capricious order, issued at Nossen on the 8th day of May, 1813, seized and confiscated a large amount of colonial produce, (sugar, coffee, cotton, &c.,) and whose reclamations were allowed by the fourth article of the convention of 20th November, 1815, above mentioned, and afterwards paid by his Majesty's Government, including interest as well as principal.

To these observations the Prince replied, by resolving, through the medium of implications more or less remote, the indemnities granted to British subjects into cases of contract; and as the other cases mentioned did not admit of any being explained away by that ingenious process, he said, generally, that the Government of the United States, from the principles of its policy, dealing alike with all established Governments, and abstaining from any participation in the contests which questions of right had given rise to in Europe, did not come within the influence of all the considerations which naturally applied in favor of the European Powers who had taken part in the great struggle which had terminated in the restoration of his Majesty to the throne of his ancestors.

He added, that whatever might be the ultimate opinion of his Majesty's ministers on the subject of the claims of American citizens, no money could be had to satisfy them but by recourse to the Chambers; and that, in the present disposition of parties, it remained to be seen whether the ministers had influence enough with those bodies to obtain the ordinary supplies.

I need not extend this communication by repeating here the obvious replies which some of these remarks suggested. It was apparent, through the whole course of the conversation, that the Prince, under a sense of the precariousness of his situation, had not seriously turned his attention to a subject of which it was doubtful how long he might have the official cognizance, and that he sought only to make the most plausible excuses for delay. I fear that, while this state of uncertainty as to the ability of the ministers to sustain themselves shall continue, no effective negotiation, favorable or otherwise, can be commenced.

Some days ago Paris was full of rumors as to impending and radical changes in the composition of the ministry. It was confidently asserted that a distinguished personage had received the royal mandate to form a new administration; and that, in pursuance of it, propositions were made to several individuals who had formed a part of the late ministry, but who declined to associate themselves with the leading member of the present ministry, whom it was desired still to retain. Since the failure of this effort, it is supposed that the ministers have taken the resolution to abide their chances before the Chambers, and that they will henceforward adopt a course of energy and boldness in the spirit of their system, which will give a more marked development to the issue between them and their adversaries, and render the victory, on whichever side it may be, more permanent and decisive. I have the honor to be, &c.

W. C. RIVES.

PARIS, *December* 10, 1829.

The undersigned, hoping that the time which has elapsed since his conference with his excellency the Prince de Polignac, on the second of the last month, has enabled him to examine the subjects which he then had the honor to present to his excellency's consideration, requests the favor of another interview, at such a time as may suit his excellency's convenience.

The undersigned embraces, with pleasure, this occasion to reiterate to his excellency the Prince de Polignac the assurance of his most distinguished consideration.

W. C. RIVES.

H. E. the PRINCE DE POLIGNAC, &c. &c.

PARIS, *December* 10, 1829.

The President of the Council of Ministers will have the honor to receive Mr. Rives on Monday, the 14th instant, at half past twelve.

Mr. RIVES, &c. &c. &c.

Mr. Rives to Mr. Van Buren.

[No. 9.] PARIS, *January* 7, 1830.

DEAR SIR: In the communication which I had the honor to address to you on the 17th of the last month, I referred, generally, in reciting a conversation which I had had with Prince Polignac, to some cases of European indemnities mentioned by me as not reconcilable with the principle of a responsibility for contracts only, which the Prince had stated was the sole basis of all the indemnities granted by the present Government of France to subjects of the European Powers. As those cases have not been brought into view heretofore, so far as I am informed, I have supposed it proper to submit to you, as I now do in the accompanying paper, a fuller statement and explanation of them, vouched by the authorities on which they rest.

I have addressed a note to Prince Polignac requesting another conference, to which I have not yet received his answer appointing a time for the purpose.

No important change in the political condition of the country has occurred since my last communication. The ministry, contrary to the expectations entertained by many, still maintains its negative attitude, avoiding the responsibility of any of those new measures which have been said to enter into its system. The Chambers, which had been expected to meet early in the next month, it is now supposed will not be convoked till some time in March. This delay, connected with the circumstance of the continued inaction of the ministry affording no fresh cause of discontent, certainly adds to their chances of obtaining a majority in the Chambers, by giving more time for the excitement of the opposition to wear itself out, and for themselves to profit of the various resources of influence and propitiation which they have at their disposal.

I have the honor to be,
With great respect,
Your obedient servant,
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

P. S. The ordonnance of the King has just been published, convoking the Chambers for the 2d day of March.

Mr. Rives to Mr. Van Buren.

[No. 11.] PARIS, *January* 16, 1830.

DEAR SIR: The interview with Prince Polignac, which you were informed by my last despatch I had requested, took place, by his appointment, on the 11th instant. In the course of it, much that had already been said was repeated, with trifling variations. I had the satisfaction, however, to perceive that the representations I had made to him in previous interviews had had the effect, at least, of awakening his attention to the importance of the subject, and that he had been looking into it seriously.

He commenced the conversation, by observing that he did not see on what principle we could claim compensation for the injuries committed under the Berlin and Milan decrees; that, however unjust in themselves, they constituted the law of the land at the time; but that there was another class of injuries which stood on a different ground—mentioning the vessels burnt at sea.

I replied that the Berlin and Milan decrees, though nominally the law of the land, were in conflict with a superior law—the established law of nations; and that they violated, at the same time, express and positive stipulations of existing treaties between France and the United States; that, therefore, with whatever forms of authority they may have been clothed, they were absolute nullities in the eye of public law, and could give no validity to any thing done under them.

He said he did not perceive how this reasoning could

be reconciled with the general doctrine on which we held the present Government of France to be responsible for the acts of Bonaparte. He understood that doctrine to be, that Bonaparte's Government was to be regarded as being, at the time, the lawful Government of France: if so, its acts in the form of law must be respected; that if the Berlin and Milan decrees were to be treated as nullities, other acts of the same formal character should also be set aside; and mentioned, as an example, the treaty for the cession of Louisiana, which Bonaparte, having no just title to, could not, in strictness, make a valid conveyance of; that, if acts which operated against us were to be set aside as null and void, the rules of reciprocal justice required that similar acts, when they operated in our favor, should also be set aside. He added that, in their own internal concerns, Bonaparte had committed many wrongful acts in the form of law, but that they had been acquiesced in. He instanced particularly the deprivation of the emigrants of their estates, which had never been restored to the rightful proprietors.

I replied that the principle on which our reclamations against his Majesty's Government for the acts of Bonaparte rested, was this: that, from the necessity of the case, and the established principles of public law, Bonaparte's Government, as the actual Government of the French nation at the time, was to be regarded by foreign Powers (who had no right to interfere in the domestic politics of France) as competent to act for and bind the nation to the same extent as a rightful sovereign, and that succeeding Governments, therefore, were responsible for its acts; that the effects of this responsibility, however, were different, according to the nature of the subject-matter; that where the acts of Bonaparte were such as sovereigns may rightfully perform, the responsibility of the succeeding Government is to abide by and fulfil them; but where they were such as no sovereign, however legitimate, could lawfully perform, the responsibility is to correct and redress them. That this obvious consideration suggests, at once, the distinction between the Berlin and Milan decrees on the one hand, and the Louisiana treaty on the other. The alienation of territory is an act which sovereigns are competent to execute, and, in point of fact, frequently do execute; Bonaparte's cession of Louisiana is therefore valid. The Berlin and Milan decrees, being gross violations of the public law and the faith of treaties, are such acts as no sovereign can rightfully perform, and must, therefore, be regarded as null and void. I added that the course pursued by his Majesty's Government in regard to the Louisiana treaty, and the other case which his excellency had referred to, had always been regarded by us as a clear recognition of the principle on which our reclamations rested. His Majesty's Government had claimed, very strenuously, certain privileges under the eighth article of the Louisiana treaty, which could be on no other principle than that the authority which made it, however deficient in moral right, was practically competent to this highest function of sovereignty. The sale of the emigrants' estates, in being confirmed, was, in like manner, recognised as the emanation of a competent sovereign authority, though that consideration, while it left the purchasers undisturbed in their possession, had not prevented his Majesty's Government from repairing the injustice of the act, by granting a million in indemnities to the original proprietors. The Government of the United States asked the application of no other rule than this to the claims of its citizens.

To these observations the Prince offered no reply. He remarked that, in the settlement with the Powers of Europe, no claims were allowed which had arisen under the Berlin and Milan decrees, though those decrees were applicable to them as well as to the United States.

I answered that, although those decrees were, in their terms, applicable to all nations, yet, in point of fact, their effects had fallen almost exclusively on the neutral commerce of the United States. I adverted to the different character of the relations in which the other Powers of Europe stood to France, (they being either her allies or enemies, while the United States were neutral,) as giving rise, of course, to a different description of claims on their part; and remarked on the obvious injustice there would be in holding the United States concluded by an arrangement to which not only they were not a party themselves, but no other Power of influence, having similar interests with them, was a party.

The Prince said it was impossible to redress all the wrongs of Bonaparte—it was necessary to make a discrimination among them. Some of his acts were of such a character that they could not now be reversed: in regard to them, the motto must be, what was done, was done. But, in relation to others, they were such sheer naked outrages, that the redress of them might be more reasonably expected; and here he again mentioned the cases of vessels burnt at sea, which he characterized as acts of piracy.

I told him that I could not recognise the justness of the distinction he made, and that I was sure the Government of the United States could not consent to renounce the claims of its citizens for a class of spoliations, which it had always remonstrated against as the grossest and most unwarrantable outrages. Wishing, however, to ascertain the precise extent to which his ideas of redress went, I remarked to him that, besides vessels burnt at sea, there were other cases which had not been attended with those formal sanctions which the usage of civilized nations required; that captures and seizures of our property had been made professedly by virtue of the Berlin and Milan decrees, which the provisions of those decrees themselves did not authorize; and that, in many instances also, the property captured or seized had been merely ordered to be sold, and its proceeds sequestered, but that it had never been condemned by the sentence of any judicial tribunal. I asked him if his ideas of redress would not embrace those cases equally with the vessels burnt at sea.

I understood him as assenting to this extension of his views, though his answer was not very distinct, and I am not sure that it was founded on a thorough comprehension of the full bearing of my inquiry.

I then told him that, although the measure of redress suggested could not, in its greatest extent, be accepted as a complete discharge of the just claims of our citizens, yet, as some advance towards the settlement of a long standing and disagreeable subject of discussion, I should be glad that he would state in writing the precise extent of what he proposed. He very promptly consented to do so, but said I must first address to him a note presenting, in a general way, the demand made by the Government of the United States on behalf of its citizens. In pursuance of this understanding, I addressed to him, on the 13th instant, the note of which the enclosed is a copy, in which I sought to present the demand under those aspects, and to enforce it by those considerations, which, while they conformed to the principles maintained, and the dispositions professed by the Government of the United States, seemed to me, at the same time, best adapted to the feelings of, and most likely to secure a favorable hearing from, this Government.

I have the honor to be,
With great respect,
Your obedient servant,
W. C. RIVES.

Hon. M. Van Buren, *Secretary of State.*

Paris, *January* 13, 1830.

Monsieur le Prince: In the several conferences with which your excellency has favored me, I have had the

honor to present to your consideration the renewed and earnest demand of the Government of the United States for the indemnification of its citizens for the flagrant wrongs heretofore committed upon them by the authorities of France. The knowledge which your excellency possesses of the character of these wrongs, and the ample details to be found in the correspondence which has heretofore taken place between the two Governments on the subject, render it unnecessary for me to occupy your excellency's time with a specification of them here.

The acts which mainly inflicted them were met by the Government of the United States, in the moment of their promulgation, by the most earnest and emphatic remonstrances, and a determination never to submit to them, evinced by a course of measures which would have terminated in the last appeal of nations, but for the ultimate abrogation of the most obnoxious of these acts. After their withdrawal, the United States steadily and earnestly prosecuted their demand for the redress of the injuries committed under them, from the authority with which they originated, and a satisfaction of that demand is believed to have been prevented only by the death of their minister on the point of concluding a treaty. Soon after the happy event which brought back the reign of law and justice in the persons of his Majesty's illustrious family occurred, and gave new reasons to the United States to hope that the injuries which had been wantonly inflicted upon their citizens in the name and under the sanction of his Majesty's people, would now find an ample and effectual redress; a hope cherished with so much the more confidence, from seeing the promptitude with which the subjects of other Powers had been indemnified for wrongs flowing from the same source.

The temporary financial embarrassments, however, produced by the previous assumption of so heavy a responsibility to the Powers of Europe, suspended the consideration of American claims, and the United States, anxious to see France recovered from the effect of those embarrassments, and happy, prosperous, and powerful, under her ancient sovereigns, acquiesced in the delay. That state of things has now been realized. France is again happy, prosperous, and powerful. The other causes which have been, from time to time, alleged for the postponement of the claims of our citizens, have also ceased to operate. The Government of the United States, therefore, now entertains the expectation, founded on a thorough confidence in the justice, wisdom, and magnanimity of his Majesty's councils, that the adjustment of these claims will be no longer postponed.

The President is so much the more anxious for this adjustment, because he is sincerely desirous of cultivating the most cordial good understanding with his Majesty's Government, and because he cannot but be sensible that the longer continuance of a subject of discussion, in which so many delays and disappointments have already been experienced, must have a very unfavorable influence on the feelings and relations of the two countries. Believing that no two Governments can have, whether in the interests of the present or the recollections of the past, stronger motives to a cordial friendship with each other, he ardently wishes that this single thorn, threatening an ulceration of feeling so much to be deprecated, should be extracted from their relations.

The claims of the citizens of the United States to indemnity for the injuries suffered by them, are of such a character that they can never be abandoned by their Government. Arising from acts which equally violated the rights of the nation as well as of the individual sufferers, the honor of the Government is concerned in their redress.

Deeply impressed by my Government with the sentiments I have had the honor to express, I perceived, with lively satisfaction, in my recent interview with your excellency, the manifestation of a desire, on the part of your excellency, to enter, in good earnest, on the consideration of this subject. This disposition, enlightened by the wisdom, and guided by the justice which presides over his Majesty's councils, will ultimately lead, I cannot doubt, to a satisfactory result.

I need not repeat that the measure of compensation at which your excellency hinted, (if I comprehended it correctly,) cannot be received by the Government of the United States as a complete and adequate discharge of the just claims of our citizens. Still, as it is desirable to know precisely to what extent his Majesty's Government is at this time willing to go in the liquidation of these claims, (the justice and validity of which, to a greater or less extent, have been repeatedly admitted by your excellency's predecessors,) I shall await with anxiety the fulfilment of your excellency's promise to communicate to me, in writing, the limits of the redress you are prepared to offer, not doubting that, in the progress of your reflections, they will attain an extension corresponding with the magnitude of the wrongs suffered by our citizens, and the elevated justice which now holds such ample means of redressing them.

I beg your excellency, in the mean time, to accept the assurances of the great respect and distinguished consideration with which I have the honor to be, your excellency's most obedient and most humble servant,

W. C. RIVES.

His excellency the PRINCE DE POLIGNAC,
Minister, Secretary of State for Foreign Affairs, and President of the Council of Ministers.

Mr. Rives to Mr. Van Buren.

[No. 12.] PARIS, *January* 28, 1830.

DEAR SIR: Not having heard from Prince Polignac in answer to my note of the 13th instant, and deeming it important to improve, by a diligent pursuit on my part, the favorable dispositions which had been manifested in our last interview, I requested, some days ago, another interview, which has just taken place.

On the subject of the claims, the Prince said he was not prepared to discuss it with me; that he was then examining all the papers, and was about to make a naked report of the facts for the personal consideration of the King, and that, when he was ready to discuss the matter with me, he would invite me to another interview.

I reminded him of his promise, in our last interview, to state to me in writing the extent of the compensation they were disposed to offer us; that this implied an examination already made, and that I could not, therefore, learn without surprise that the examination yet remained to be made, and that new deliberations were to be commenced. He said nothing in reply, except that their attention was occupied with a great variety of other pressing business.

In taking my leave, I remarked to the Prince that it was impossible, by any form of words, to disguise the facts that a crisis must soon occur, if it had not already occurred, in the relations of France and the United States, on this disagreeable subject; that it was alike inconsistent with the dignity of both Governments that the question should remain much longer in its present condition; and that seeing the favorable state of our affairs, both with England and Russia, as developed in the President's message, it was for the Government of France now to consider whether, by her persevering neglect of our just demands, she did not incur the hazard, at least, of our establishing more friendly relations with other Powers, which, however reluctantly on our part, might alienate us from her.

I have the honor to be, &c.

W. C. RIVES.

To the Hon. M. VAN BUREN, *Secretary of State.*

Mr. Rives to Mr. Van Buren.

[No. 15.] Paris, *February* 16, 1830.

Dear Sir: Shortly after my communication of the 28th ultimo, I had an informal opportunity, at Prince Polignac's own house, of testing the character and extent of the dissatisfaction which had been expressed at the President's message. I commenced the conversation by observing to him that, since our last interview, in which he had informed me, to my great surprise, of the dissatisfaction felt at the passage in the President's message which related to our affairs with France, I had critically re-examined that portion of the message, and that my first impressions, in regard to its conciliatory and respectful character, had been fully confirmed. I recalled to him the terms in which the President had expressed himself with respect to the magnanimity of the French nation, and the known integrity of the King, as clearly evincing that his reliance for justice was upon these distinguished attributes, and that he could not have intended an appeal to less manly considerations. I observed to the Prince that, as he thoroughly understood the English language, and the import of the expressions used by the President, I should hope that he would set this matter in its true light before his Majesty and the members of the Council.

He remarked that the expressions I had cited were every thing they could have wished, but that the phrase "possible collision" conveyed an intimation under which it was not very pleasant to act.

I told him it should be recollected that the President's message was a communication addressed, not to foreign Governments, but to the Congress of the United States, in which it was enjoined upon him by the constitution to lay before Congress "information of the state of the Union," comprehending its foreign as well as domestic relations; and that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of Congress, in due time, to what might be the possible consequences of existing difficulties with any foreign Government, he might fairly be supposed to do so under a sense of what was due from him, in a frank communication with another branch of his own Government, and not from any intention of holding a menace over the head of a foreign Power.

These observations were received in a very friendly spirit by the Prince, and he finally remarked that the matter was now at an end, intimating that it was not intended to say any thing more about it on their part.

Having thus ascertained that this circumstance was not to be laid hold of as an excuse for breaking off the discussions which had been commenced, I availed myself of another informal occasion, which occurred very soon afterwards, to make some intimations to the Prince, which I thought would smooth the way for a more favorable resumption of our discussions. I had observed, in all my interviews with him, a very strong repugnance to the idea of coming before the Chambers in his present precarious relations with them, with any extraordinary demand for money. I therefore remarked to him that it was very far from the wish of my Government, in pressing the claims of its citizens at this time, to do any thing which would inconveniently embarrass the finances of France, or impose upon him, as minister, an ungracious and disagreeable task. That our great object was to have the just claims of our citizens acknowledged, and put in a train of liquidation and adjustment; that, with respect to the time of payment, the Government of the United States had always expressed its willingness to show a liberal regard to the convenience of France; and that, if nothing else could be done at present, we might at least fix the principles upon which the claims should be adjusted, and adopt some arrangement for commencing their liquidation.

These suggestions were received in a manner which evidently marked the sensible relief the mind of the Prince derived from them.

Having, by these preliminary and informal conversations, endeavored to smooth the way for resuming our official conferences, I addressed, on the 8th instant, a note to the minister, requesting an interview, to which I received his answer, appointing the 11th instant. On that day I accordingly waited upon him at the office of Foreign Affairs; but as he had just received a summons to attend the King on some affair of urgency, he begged me to excuse him, and to call the next day at 11 o'clock.

He opened the conversation on the following day, by reverting to what had been the basis of the settlement made with the allied Powers at the period of the restoration. He said that, seeing that it would be physically impossible for his Majesty's Government to redress all the wrongs which Bonaparte had committed, it had been agreed to limit the redress to one class of cases only—supplies furnished by virtue of contracts. Then passing to the consideration of our claims under the Berlin and Milan decrees, he said those decrees were, undoubtedly, gross violations of the law of nations; but if his Majesty's Government once recognised the principle of making compensation for all of Bonaparte's violations of the law of nations, infinite and diversified as they were, both in number and character, the entire resources of the French nation would soon be exhausted by the demands which such a principle would give rise to. He said that his Majesty's Government, therefore, could not undertake to indemnify us for the injuries arising from those decrees, where they had been carried into final execution, but there were some cases which they were willing to consider more favorably—as where the property had not been definitively condemned, but put into some of the public chests: in such cases, his Majesty's Government had no wish to retain the benefit of the property so sequestered. He again mentioned the cases of vessels destroyed at sea, as standing on a like favorable footing, and afterwards, in the progress of our discussion, added the case of supplies.

Though I was glad to perceive in a portion of these observations a substantial confirmation of the impressions I had received of the Prince's admissions in our interview of the 11th ultimo, I addressed myself, in this stage of our conversation, exclusively to the unfavorable part of his observations. I remarked that the Government of the United States could not acquiesce in the distinction he had suggested between property of its citizens which had been condemned, and that which had not been condemned under the Berlin and Milan decrees; that sentences of condemnation could no more impart validity to decrees, otherwise void, than decrees admitted to be unlawful could give a legal sanction to sentences of condemnation; that we could not, therefore, abandon the claims of our citizens for property unlawfully condemned. I repeated what I had had occasion to say several times before, as to the error of supposing that the indemnities granted to the European Powers had been confined to cases of contract, and the injustice, if it were so, of holding the United States bound by that arrangement. I stated that the satisfaction of our claims under the Berlin and Milan decrees would not be a precedent of which other Powers could take advantage; for, besides the fact that those decrees had fallen almost exclusively on the neutral commerce of the United States, we were entitled to a special protection against them by virtue of our convention with France of 1800; and, moreover, that the European Powers, having made their own bargain, by the conventions of 1814 and 1815, and the final liquidation of 1818, would be precluded from bringing forward any new demands.

The Prince remarked that the fact, however, was, that new claims were constantly presented, and they had just

had occasion to reject some; that, though it might be true that the Berlin and Milan decrees had fallen almost exclusively on the commerce of the United States, yet, if his Majesty's Government should agree to redress these acts as being violations of the law of nations, other Powers would claim the benefit of the principle, and extend it to all other violations of the law of nations by Bonaparte; that for this reason his Majesty's Government could not undertake, generally, to pay for property which had been confiscated under the Berlin and Milan decrees; but that there were, no doubt, among those confiscations, cases distinguished, more or less, by peculiar circumstances; that they would be willing to single out as many of these cases as practicable for redress, but that they could not commit themselves to all the bearings of the general principle.

I told him that the Government of the United States was not solicitous for the establishment of an abstract principle; that the substantial satisfaction of the just claims of its citizens was all it wished; and that if any mode could be devised of accomplishing that object without an express recognition of the principle he deprecated, I should have no objection to concur in an arrangement founded upon such a basis.

I then proceeded to remark that, as we could come to no conclusion on this branch of the subject at present, I wished to know precisely to what extent we had agreed; that I understood him to say that "in all cases where the property had not been definitively condemned, and for all vessels and cargoes destroyed at sea," his Majesty's Government would indemnify. He replied "certainly, there it was clearly right." For the purpose of testing more completely the accuracy of my impressions on this topic, I several times alluded incidentally to this admission; and, as often as I did so, it was promptly and unequivocally confirmed. You will have perceived, also, from the foregoing recital, that the admissions obtained from him went beyond this, and to an extent greater than the declarations of any of his predecessors, comprehending an undefined portion of the cases of condemnations, all of which have been heretofore invariably and decidedly negatived. But this admission not being accompanied with such criteria as served to mark the precise extent of it, I was not enabled to challenge a specific confirmation of it.

I suggested to the Prince the propriety of his addressing me a note embodying his propositions, to the extent, at least, to which we were agreed. He said he would do so as soon as he had obtained the sanction of the King and his colleagues on a report he was about to draw up; and that he would embrace in his note a proposition for a mixed commission, (which had been alluded to in the course of our conversation,) to examine and liquidate the claims.

Last night, being at the Prince's house with some other company, he requested me, as I was leaving the room, to remain a few minutes longer, as he wished to converse with me. As soon as he was disengaged from the individual with whom he was then conversing, he told me that he had already consulted the King and his colleagues on the subject of our last conference; that they approved of the plan of adjustment he had proposed; and that in a few days he would wish to see me again, that we might settle the principles of adjustment, and adopt the necessary measures for constituting a mixed commission. I told him I received the information with great pleasure, and that I should hold myself in readiness to obey his summons at the earliest moment. He said he was then very much occupied with other subjects, and it might be several days before he should be prepared to see me.

A negotiation, therefore, may be considered as having, at least, commenced; though what progress it is destined to make, or what termination it may have, I have already had, myself, too much experience of the uncertainties of diplomacy, and read too many monitory lessons of the same kind in the experience of my predecessors, to venture to form an opinion. I believe there are some considerations operating at this moment, which dispose the minister to settle this question, if it can be done without risking too great a reaction. I have lost no opportunity of urging such of these considerations as it was proper for me to present myself, while I have endeavored to have such as I could not properly suggest impressed by others. I shall continue to use my most strenuous and unceasing efforts to bring this disagreeable subject to a satisfactory termination. The near approach of the great political struggle which will be ushered in by the meeting of the Chambers, leaves a brief interval for negotiation; but the moment is one which it may be of the highest importance to seize vigorously, and to improve diligently.

It is worthy of remark that the French claim under the eighth article of the Louisiana treaty has never been mentioned but once, and then historically only, as being one of the subjects of discussion between the two Governments; that Beaumarchais's claim has not been alluded to, and no allusion, indeed, has been made to any private claims of French subjects, except a very vague one to claims for ships which had been seized or captured. These, however, I presume, are all reserved for the closing scenes of the diplomatic drama.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. MARTIN VAN BUREN,
Secretary of State, Washington.

Mr. Rives to Mr. Van Buren.

[No. 16.] PARIS, *February 25*, 1830.

SIR: The day after the date of my last despatch, I addressed a note to Prince Polignac, of which a copy is enclosed. The moment appeared to me to be a critical one, rendered the more so by the near approach of the meeting of the Chambers; and I therefore determined, even at the risk of seeming somewhat importunate, to request another interview with him, at once. Having failed in my efforts to obtain from him a note which should reduce to writing the admissions and propositions he had several times made verbally, you will perceive that, as a provision against any unfavorable contingency which might occur, I made use of this occasion to recapitulate the substance of those admissions, in my note to him, as constituting the next best evidence, and of equal validity, indeed, if not contradicted, with a note from himself. With the same view, I also took occasion, in mentioning that I had a full power to conclude a convention with him on the subject of the claims, to suggest, incidentally, the expediency of some record of the results of our negotiation, as they should be progressively agreed upon and settled between us.

The whole frame of the note was designed to test his earnestness in what had recently passed between us. If he were really disposed and prepared to settle the claims on the principles indicated in conversation, my note, in exhibiting my readiness to meet him effectively on that ground, could not be otherwise than welcome. If, on the other hand, he was either not disposed or not prepared to consummate his words by corresponding acts, I foresaw that the note would probably occasion him some embarrassment.

In this state of things, having waited five days without hearing from him, I had determined to send Mr. Harper to the Department of Foreign Affairs, to make a courteous inquiry of the under secretary on the subject, by way of stimulating the minister, when it was announced in the journals that the minister had been seriously indisposed for several days. His sickness is announced in all the

journals of the 22d instant. Hearing, however, in the course of the next day, that he was sufficiently recovered to attend to business, I addressed him another note, simply requesting an interview. To this note I received his answer on the following day, expressing his regret at his inability to receive me during the present week, in consequence of his multiplied occupations. A copy of his answer is enclosed.

Thus has terminated the prospect opened by the facts communicated in my last despatch, of accomplishing something before the meeting of the Chambers, without leaving any sanguine confidence, on my part, in the better success of future efforts. I had hoped that, in the circumstances of the present moment, the ministry would have derived an additional and extrinsic motive to a just settlement of our claims, from the probability of thereby conciliating a portion of the opposition party in the Chambers, which, from political or commercial considerations, was supposed to favor such a settlement. Representations of this kind, though not proper to be made by myself, had been made by others, and, I had reason to believe, not without effect. The moment, however, for drawing profit from them, seems to be now past. Much allowance is undoubtedly due to the bad health of the Minister of Foreign Affairs, and his necessary occupation as President of the Council, with a great variety of affairs preparatory to the meeting of the Chambers.

But whatever might be the good faith or favorable dispositions of the minister, the modes of thinking in relation to questions of this sort oppose a great obstacle to doing us justice. Of this, a more striking proof could not be afforded, than in an article you will find in one of the gazettes accompanying this despatch—the Constitutionnel of yesterday. The writer, upon the strength of an idle invention that the Minister of Foreign Affairs had agreed to pay the United States thirty millions of indemnities, makes it a serious reproach to him, without once, however, questioning the justice of our claims, but simply because he had not contrived, by some sort of diplomatic alchemy, to convert the responsibility of the French nation for acknowledged wrongs, into a means of profit to its own treasury. The article, in other respects, is full of false facts as well as false reasoning; but such is the state of the French press, enslaved in its very licentiousness to the dominion of party, that it is in vain to seek a correction of its errors through the channel which propagates them. Notwithstanding these discouragements, I hope the President will be assured that I shall continue to use every possible exertion to bring this prominent object of the duties with which he has charged me, to a satisfactory conclusion.

I can hardly promise myself any profitable discussions with the Minister of Foreign Affairs during the session of the Chambers, which meet in five days from this time. The vital character of the struggle which will mark the proceedings of these bodies, will, no doubt, absorb all his attention and solicitude. It is admitted, on all hands, that there is a decided majority opposed to the ministers in the Chamber of Deputies; of which the probable consequence will be an address, (in answer to the speech from the throne,) expressing their want of confidence in his Majesty's ministers. The ministers, however, will, in all probability, disregarding the address, proceed to lay before the Chambers their projects of laws, chiefly financial, and try the sense of the Chambers upon them. If they should be accepted, the ministers will, of course, be enabled to retain their places. If, on the other hand, the Chambers should have courage enough to reject the budget, the ministers must either resign, or dissolve or prorogue the Chambers. These are the vital issues involved in the parliamentary struggle so near at hand. As time must very soon resolve them, it would be idle for me to speculate upon them, though my present impression is, that, by means of some one of the contingencies above mentioned, the official existence of the prime minister, at least, will survive the impending conflict.

This consideration makes it very desirable that I should be possessed, as speedily as possible, of the views of the President with regard to the arrangement which had occurred to my mind, and which, you will perceive from my note to the minister, I had intended to suggest to him on the subject of the vessels and cargoes condemned under the Berlin and Milan decrees. My last despatch will have informed you of what had passed between the minister and myself on this subject. He had said that, while his Majesty's Government could not consent to pay, generally, for condemnations under these decrees, on the naked ground of their being contrary to the law of nations, in consequence of the heavy and indefinite demands of other Powers, to which the recognition of such a principle would subject them, that they would be willing to go, as far as they could, in the payment of cases which might be distinguished by a peculiarity of circumstances. As there were special reasons in perhaps all the cases of condemnation under the Berlin and Milan decrees, for setting aside those condemnations, independent of the illegality of the decrees themselves, (as, for example, that the condemnations were in contravention of the convention of 1800, were not made by regular prize tribunals, or in the forms prescribed by law, &c., &c., &c.,) it immediately occurred to me that an article might be framed which would, at the same time, consult the views as expressed by the minister, and provide for the just claims of our citizens.

I accordingly prepared an article arranging the condemnations which his Majesty's Government should positively stipulate to pay, into separate classes, according to special grounds of reversal applying to each, with a supplemental clause, that they should pay for all other cases of condemnation which, from any consideration, a mixed commission should decide that his Majesty's Government was justly bound to make compensation for. In drawing this article, I was guided chiefly by the statement contained in Mr. Gallatin's letter to the Duke de Richelieu of the 9th of November, 1816; and the classification of cases I made, corresponded, as you will perceive, in numeral order as well as in principle, with the specifications of that statement.

It seemed to me that such an article, while it was accommodated to the views expressed by the minister of France, had a decided advantage for us over that which had been proposed by Mr. Gallatin to the Duke de Richelieu. According to Mr. Gallatin's projet, the Government of France was not bound positively to pay for any of the condemnations; but the whole question of their obligation to do so was made dependant upon the decision of a mixed commission. According to that which I had thought of suggesting, the Government of France would positively bind itself to pay for five distinct classes of condemnations, comprehending, in all probability, nearly the whole that had taken place, referring the question of its obligation to pay in any cases which might not be included in those classes, to the determination of a mixed commission.

There is one other difference between the two projets, which, as you may deem it important, I beg leave to invite your attention to. In the second section of Mr. Gallatin's first article, the decision of the mixed commission is to be governed by a consideration of what condemnations were "contrary to public law and justice," &c. In consequence of the jealousy and repugnance manifested by the Minister of Foreign Affairs to any arrangement which would recognise the principle of paying for Bonaparte's violations of the law of nations, I thought it best to avoid any express reference to public law, and, in lieu thereof, to leave it to the commission, in general terms, to decide

what condemnations, not enumerated, his Majesty's Government "is justly bound to make compensation for." The two forms of expression, perhaps, are not intrinsically of different import, and it would seem that such was Mr. Gallatin's understanding of them, as, in the second section of his second article, in defining the functions of the mixed commission, he uses the phrase "justly bound."

The article prepared by me on this subject, you will find incorporated as the second article in a projet of a convention which accompanies this despatch. Supposing that, in the favorable dispositions expressed by the minister, some arrangement might possibly be concluded with him before the meeting of the Chambers, and deeming it important towards securing such a result to have every thing ready on my part, I drew up this projet, with the intention of communicating it to him at our next conference, but with such reservations as would prevent it from binding me as an official paper. The first article, you will perceive, provides for the cases in regard to which I understood that the minister and myself had agreed. The particular views which determined the shape of the second article, have been already explained.

The claims originating prior to the conventions of 1800 and 1803, and forming the subject-matter of the two or three first classes of claims mentioned in my instructions, I considered as virtually embraced by these articles, particularly by the clause of the first article relating to supplies and debts, and the clause of the second article relating to condemnations in contravention of the convention of 1800. The latter clause was framed mainly with reference to condemnations under the Berlin and Milan decrees prior to 31st of July, 1809, which, besides their illegality on general principles, were in violation of the 12th, 13th, and 14th articles of the convention of 1800, which secured to each party, in time of war, the benefit of an unmolested commerce with the territories, or in the productions of the enemies of the other; but it was recommended to me by the further consideration of making France responsible, at the same time, for the more ancient claims arising from condemnations, contrary to the tenor of the fourth article.

As the classes of claims here referred to had not been insisted on in any of the discussions which had taken place between the two Governments for the last twenty-five years, and seemed, indeed, to have been mutually considered as either settled or abandoned, I thought it would have a very bad effect to bring them forward distinctly and avowedly. Indeed, I supposed that the motive for comprehending them in my instructions was not so much a distinct recognition of them, as to swell the aggregate amount of our claims in the event of a proposition for a compromise *en bloc*, and thereby to enable us the better to obtain a sum adequate to cover all the claims of a more unquestionable character.

The other articles of the projet relate entirely to the organization of a mixed commission. On this subject, there was nothing in my instructions to guide me, but a general authorization "to adopt the mode of liquidation and adjustment, &c. proposed by Mr. Gallatin in his letter to the Duke de Richelieu, of the 9th of November, 1816." On recurring to that letter, I found that, although Mr. Gallatin's mode of adjustment called for a joint commission, he had not developed any plan for its organization. Looking back, however, to the instructions of May 1, 1816, under which he acted, I found he was authorized "to provide for the organization of a board of claims, on the principle of that under the treaty of 1794 with Great Britain." That treaty, therefore, became my guide on this subject. I departed from it, however, in one respect, in which the more recent experience of the United States, as well as that of other Governments, seemed to require the variation.

The treaty of 1794 provides for the choice, by lot, of a fifth commissioner, who shall be permanently associated with the other commissioners, and act with them in all the cases submitted to the joint commission. The St. Petersburg convention, however, conforming to the model of the numerous joint commissions which grew out of the treaty of Paris of 1814, and the subsequent conventions for the payment of indemnities to the European Powers, provided for the preliminary appointment of two arbitrators by the contracting parties, respectively, of whom one was to be drawn by lot, whenever the commissioners were divided in opinion in any particular case, to act with the commissioners in that case only; a fresh choice to be made by lot as often as a case occurred in which the commissioners should be equally divided in opinion. According to the first plan, whatever bias the arbitrator might have, would act upon the whole mass of cases; according to the other, that bias would act upon individual cases only—a bias in one case being liable to be counteracted by a contrary bias in some other.

This projet is now submitted for your consideration. Having been compelled, in the absence of specific instructions, to rely very much on my own judgment in the preparation of it, an early communication of the President's views on the several points embraced by it, (which would, in all probability, reach me before my negotiations can be resumed with the minister,) would be very desirable to me. As considerable abatements will, probably, be insisted on from the demands of the projet, it would be also important for me to be informed, at the same time, how far claims which might seem either rigorous or doubtful, (such as interest, and the claims prior to 1800 and 1803,) may be eventually abandoned, if it should become necessary as the *sine qua non* of an arrangement.

On two other points I beg leave to ask for explanations. 1. If the Government of France should refuse to enter into a positive stipulation to pay for any portion or classes of the property condemned, would the United States be willing to leave that question to be determined by a joint commission, the other claims being satisfactorily provided for? Mr. Gallatin's proposition to the Duke de Richelieu seems to have been founded upon this basis; and I should have had no doubt that such was also the view of the present administration, but for the remark in the latter part of my instructions, that "the President cannot consent to submit the subject of our claims to arbitrament." This remark, however, I presume, was intended to be applied only to the general principle and entire mass of our claims. 2. Would the United States be willing to refer the restricted question under the eighth article of the Louisiana treaty, to the same commission which may be constituted to liquidate and determine the other claims? My instructions authorize me to repeat the offer made by Mr. Brown on this subject. That offer, however, under the instructions of Mr. Clay, contemplated a tribunal of a different organization, though no sufficient reason is perceived why the question might not be properly submitted to the same commission which should have cognizance of the other claims.

While on this subject, I beg leave to call your attention to the fact that, although the discriminating duties of impost on French vessels in the United States have ceased under the operation of the convention of 1822, since the 1st October, 1827, the discriminating duties of tonnage still continue. My impression, when I left the United States, (which, I think, was yours also,) was, that discriminating duties of every kind had ceased on both sides from that date; but such, I find, is not the fact. Hence a difficulty arises, in stating the question for reference, to designate a period down to which the United States shall be bound to refund the discriminating duties in the event of a decision against us. I have the honor to be, &c.

W. C. RIVES.

To the Hon. MARTIN VAN BUREN, *Sec'y of State.*

PARIS, *February* 17, 1830.

The undersigned requests his excellency the Prince de Polignac, Minister, Secretary of State for Foreign Affairs, to have the goodness to indicate an hour when the undersigned can have the honor of holding another conversation with his excellency.

His excellency the Prince de Polignac and the undersigned having already agreed as to certain classes of the reclamations of citizens of the United States, which his excellency has expressed the willingness of his Majesty's Government to provide for, to wit, all vessels and cargoes not definitively condemned, vessels and cargoes destroyed at sea, and supplies, the undersigned, in the hope of a like accord on the remaining class of reclamations, to wit, for vessels and cargoes condemned, is desirous of suggesting an arrangement which he flatters himself will afford the means of conciliating the views expressed by his excellency in a late conference, with the just rights of American citizens, as understood and presented by the Government of the United States.

The undersigned having been furnished by his Government with a full power to conclude a convention on this subject, and presuming that the plan of adjustment contemplated cannot be carried into execution otherwise than by a convention, will have the honor to present this full power to his excellency the Prince de Polignac, and the negotiation can thenceforward proceed by protocol, or with such other formalities as may be usual and proper.

The undersigned prays his excellency the Prince de Polignac to accept the cordial assurances of his most distinguished consideration.

W. C. RIVES.

To his excellency the PRINCE DE POLIGNAC,
Minister, Secretary, &c. &c.

PARIS, *February* 23, 1830.

The undersigned requests the honor of an interview with his excellency the Prince de Polignac, Minister, Secretary of State for Foreign Affairs, at such time as may suit his excellency's convenience.

The undersigned prays his excellency the Prince de Polignac to accept the assurances of his distinguished consideration.

W. C. RIVES.

To his excellency the PRINCE DE POLIGNAC,
&c. &c. &c. &c.

[TRANSLATION.]

PARIS, *February* 24, 1830.

The Prince de Polignac presents his compliments to the minister of the United States, and regrets infinitely that he cannot have the honor to receive him during this week, as his multiplied occupations will not permit him to do so. He hopes to be more fortunate in a few days; and prays the minister of the United States to accept, with his regrets, the renewed assurances of his very distinguished consideration.

His Most Christian Majesty the King of France and Navarre, and the United States of America, desiring to extinguish all source of misunderstanding, and to consolidate the friendly and cordial relations which it is the wish and interest of both Powers to cherish, have respectively named their plenipotentiaries, to wit, who, having exchanged their full powers, have agreed to, and concluded the following articles:

ART. I. His Most Christian Majesty will make compensation to the citizens of the United States for all losses and damage sustained by reason of illegal or irregular captures, seizures, and sequestrations of their vessels and cargoes under the authority of France, in all cases where the said vessels and cargoes have not been definitively condemned by the Council of Prizes, as also for all losses and damage sustained by the unlawful destruction of their vessels and cargoes at sea, and for all supplies derived from citizens of the United States, or debts otherwise due by virtue of contract.

ART. II. His Most Christian Majesty also engages to make compensation to the citizens of the United States for all losses and damage sustained by reason of condemnations of their vessels and cargoes in the following cases, to wit: 1st. Where the condemnations were in contravention of the convention of 30th September, 1800, between France and the United States; 2dly. Where the condemnation was not pronounced by a regular prize tribunal; 3dly. Where the proceedings were not according to the forms prescribed by law for securing a fair trial on a hearing of both parties; 4thly. Where the sentences of condemnation gave a retrospective effect to the decrees under which they purported to be made; 5thly. Where condemnations which purported to be made by virtue of the Berlin and Milan decrees, were pronounced subsequent to the day from and after which the said decrees, in being definitively repealed, were, according to the declarations and acts of the French Government, to be thenceforward considered as not having existed; and 6thly. Where, from any other circumstance or consideration, the mixed commission hereinafter provided for shall determine that his Majesty's Government is justly bound to make compensation, whether the condemnation was by virtue of the beforementioned decrees, or any other decree or order, or upon some other pretence.

ART. III. For the purpose of liquidating the sums due to citizens of the United States according to the foregoing principles and provisions, and to determine in what cases, not specially designated, his Majesty's Government is justly bound to compensate, four commissioners and two arbitrators shall be appointed, and authorized to meet and act in the manner following, to wit: two commissioners and one arbitrator shall be appointed by his Most Christian Majesty, and the remaining two commissioners and one arbitrator shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof. The said commissioners and arbitrators shall first meet at Paris, but they shall have power to adjourn from place to place, as they may see fit. At their first meeting, and before they proceed to act, they shall respectively take the following oath or affirmation, in the presence of each other; which oath or affirmation, being so taken, and duly attested, shall be entered by their secretary (whom they shall have power to appoint) on the record of their proceedings, to wit: "I, A B, one of the commissioners (or arbitrators, as the case may be) appointed in pursuance of the convention concluded at on between do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and, to the best of my judgment, according to the principles and provisions of the said convention, decide all matters submitted to me as commissioner (or arbitrator, as the case may be) under the said convention." All vacancies occurring, by death or otherwise, shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties, as their predecessors.

ART. IV. The said commissioners are hereby empowered and required to go into an examination of all the claims presented to them under this convention, and to determine the same according to the merits of the several cases, under the principles and provisions hereinbefore established. In the investigation of the said claims, the commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive, in evidence,

according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies or extracts thereof; every such deposition, or book, or paper, or copy or extract, being duly authenticated, according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

ART. V. In the event of the commissioners not being able, by a majority of voices, to decide any particular case under examination, or any collateral question arising therein, then, and in that case, they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners, and a final decision shall be given, in that case, conformably to the opinion of a majority of the commissioners, and of the arbitrator so drawn by lot; and the arbitrator, when so acting with the commissioners, shall be bound, in all respects, by the same rules of proceeding, and shall be vested with the same powers as the commissioners, and be deemed, for that case, a commissioner.

ART. VI. The decision of the commissioners, or of the commissioners and arbitrator, as provided for by the preceding article, shall, in all cases, be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant: and his Most Christian Majesty engages to cause the sum so awarded to be paid to such claimant, in specie, without deduction, at such place or places, and at such time or times, as shall be awarded by the commissioners; and on condition of such releases or assignments, to be given by the claimant, as the commissioners shall also direct.

ART. VII. It is further agreed that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the two Governments at the time of the exchange of the ratifications of this convention; and all other expenses attending the execution of the commission shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the board.

Mr. Rives to Mr. Van Buren.

[No. 19.] PARIS, *March* 21, 1830.

SIR: I have the honor to enclose the copy of a note received from Prince de Polignac, together with a copy of my answer, and to accompany them with a statement of what has passed between us, verbally, on the subject of the pending negotiation, since the date of my despatch No. 16. Four or five days after the receipt of his note of the 24th ultimo, (in which he excused himself from the interview I had requested,) I attended an evening party at his house, when he invited me to call on him at the Foreign Office on the following Thursday, (the 4th of March,) on which day, he said, the Chamber of Peers (of which he is a member) would probably not be in session. I called, accordingly, on that day, when he observed that he had been preparing a paper to be sent to me, but it was not yet in a state to be communicated. Having brought with me the projet of a convention I had drawn up, (the same which was transmitted to you with my despatch No. 16,) and believing that there would be some advantage in furnishing the frame of an arrangement to which any propositions he might make would probably be shaped, I told him that I had myself drawn up a sketch of an arrangement, which I had no objection then to show him, though I did not mean to communicate it as an official paper, and that he must not consider it as such. He replied, he certainly should not, and that it was not communicated in the mode of presenting official papers.

I explained to him the considerations which led to the particular form of the second article, (stating the special circumstances which applied to the several classes of reclamations therein mentioned,) and added, that it had been framed with the intention of meeting the views expressed by him in a former conference.

He then read over the projet, and, after having done so, said it was exceptionable; that it took no notice of the French claims; that the claims, on both sides, ought to be examined at the same time, and no money paid till the liquidation had been completed, and the claims on the one side deducted from those on the other.

I told him I had not said any thing of the French claims, because, not understanding the nature of them, I had thought it most proper to leave them to be presented by himself, and added, that the Government of the United States would not object to an arrangement fairly reciprocal, providing for all claims of French subjects against the United States, which should be founded on the same principles with those of American citizens against France.

He said he would examine my projet more deliberately if I would leave it with him, and in a few days furnish me his, presenting such additions or alterations in mine as he might think necessary. He expressed no other objection to the projet than what is mentioned above, and, in the close of the interview, said he had no doubt but that we should be able to settle the whole subject satisfactorily.

On the day after the prorogation of the Chambers, the enclosed note was received from him. His reference to the Louisiana question will, of course, arrest your attention. I certainly never have given him the smallest reason to suppose that the pretension of the French Government, on that subject, ever could be acknowledged by the United States. On the contrary, in the only instance in which it has ever been alluded to in our conferences, I stated that the Government of the United States, after bestowing the most patient attention on the arguments of France, found itself still unconvinced. Nevertheless, in my answer to his note, I thought it best to intimate my dissent as delicately as possible, reserving the further disclosure of our views for a personal conference, in which the positions to be taken, under my instructions, might be better adapted to circumstances. The declaration which the answer contains, of the dispositions of the Government of the United States as to the reciprocal adjustment of the claims of French subjects, is such as has been usually made by my predecessors, and seemed due, indeed, to the loyal character of our Government, as well as the necessary consequence of the principles on which we are demanding justice for our own citizens.

I have the honor to be, with great respect,

Your obedient servant,

W. C. RIVES.

Hon. M. VAN BUREN,
Secretary of State, Washington.

[TRANSLATION.]

PARIS, *March* 19, 1830.

SIR: I have the honor to acknowledge the receipt of the projet of a treaty which you were so good as to deliver me, and which tends to terminate the discussions existing between France and the United States. I am going to make it the object of the most serious examination. I am not yet prepared to express an opinion on the clauses which it contains; but, to judge of it by the disposition you have expressed to me verbally on the part of your Government, to do justice to the reclamations of France, and particularly to that which she presents in virtue of the eighth article of the treaty of cession of Louisiana, I cannot but hope for the prompt and happy solution of a question so long contested. In expressing to you all my gratification at this state of things, I take pleasure, sir, in acknowledging that I have always found in your conver-

sations and in your correspondence the most conciliating tone and manner. This happy circumstance induced me to interpret, in the most favorable sense, certain passages of a message addressed to the American Congress, which, at first sight, might appear to have been dictated by an entirely opposite spirit, and which made the King's Government apprehend, for an instant, that his dignity would not permit him to pursue the negotiation to which they alluded.

Accept the assurances of the high consideration with which I have the honor to be, sir, &c. &c. &c.

PRINCE DE POLIGNAC.

Mr. Rives, &c. &c. &c.

Paris, *March* 20, 1830.

Monsieur le Prince: I have received, with great pleasure, the note which your excellency did me the honor to address to me yesterday.

I hail, with lively satisfaction, the prospect it announces of a speedy and happy solution of a question which, however it may have deranged, for a time, the natural relations of the two Governments, is destined, I trust, by its honorable termination, to make the bonds of their ancient friendship stronger than ever. I felicitate myself that your excellency should have found in my manner of conducting the communications which I have had the honor of holding with your excellency, a subject for the favorable expressions you are pleased to employ—a felicitation so much the more allowable for me, as I feel persuaded that no other manner would have faithfully represented the sentiments and dispositions of my Government.

Your excellency is not mistaken in supposing that the Government of the United States will not object to the application of a just reciprocity in a simultaneous adjustment of like reclamations on behalf of the citizens or subjects of both countries. In regard to the reclamation which has been made under the eighth article of the treaty of cession of Louisiana, as that stands on a peculiar footing, and has not yet been the subject of any particular eclaircissement, I should be glad to have the opportunity of a verbal conference with your excellency, as best fitted for the detailed explanations it may require. For that purpose, I pray your excellency to indicate an hour when it will be convenient to afford me an interview.

In the mean time, I beg your excellency to accept the renewed and cordial assurances of my most distinguished consideration.

W. C. RIVES.

H. E. the Prince de Polignac, &c.

Mr. Rives to Mr. Van Buren.

[No. 20.] Paris, *March* 28, 1830.

Sir: I have the honor to enclose the copy of another note received from Prince Polignac, together with copies of two notes I have addressed to him. You will perceive that he has reproduced the allusion, contained in his former note on the subject of the Louisiana question, in a more direct and positive shape. It has, however, nothing to support it. Having preserved full minutes of all my conferences with him, taken immediately after they occurred, I am enabled to speak with confidence. As I mentioned to you in my communication of the 16th ultimo, the Louisiana claim had never been alluded to in our conferences but in a single instance; and then it was not insisted on by him, and certainly not encouraged by me. It has not been spoken of at all in any conference since the date of that communication.

The principal object of my first note was a protestation against the correctness of his statement. You will perceive, however, that I closed it with an allusion to the proposition of arbitration made by the last administration, which I thought it necessary to bring forward, in the present stage of the affair, as affording the best chance of preventing a sudden rupture of the negotiation. The second note was intended as a justificatory statement of the conduct of the Government of the United States with regard to this question, interweaving as much of the merits of the question itself as could be done under the form of narrative. In a few days, I shall ask for a conference, when the intentions and real dispositions of the minister may be better sounded.

I have the honor to be,
With great respect,
Your obedient servant,
W. C. RIVES.

Hon. Martin Van Buren,
Secretary of State, Washington.

[translation.]

Paris, *March* 23, 1830.

Sir: I have received the letter which you did me the honor to write to me the 20th of this month, and in which, while you express to me the wish to see the differences which yet exist between our two Governments terminated by a speedy and happy reconciliation, you manifest to me the desire to confer with me, verbally, on that one of our reclamations which relates to the eighth article of the treaty of cession of Louisiana; but it seems to me that, in the actual state of the negotiation, that conference would necessarily be without result. In effect, the meaning of the article in question no longer remains to be determined: we have agreed, with regard to it, that that article ought to be understood as France has always understood it; and this accord, as I have already had the honor to tell you, was even the indispensable preliminary to the negotiation which has been opened upon the whole of the affairs of which we have to treat. The question, therefore, so far as Louisiana is concerned, now only is, to determine the manner and amount of the indemnity which France is entitled to claim for having been, during fifteen years, deprived of the advantages guarantied to her navigation by a formal treaty. With this question I am now diligently occupied, and as soon as I shall have collected sufficient data to establish my opinion positively, you may be assured that I will hasten to communicate it to you.

I have the honor to be, with high consideration, sir, &c. &c. &c.

PRINCE DE POLIGNAC.

Mr. Rives, &c. &c. &c.

Paris, *March* 26, 1830.

The undersigned had the honor to receive, yesterday, his excellency the Prince of Polignac's note under the date of the 23d instant, and would not fail to confirm what seems to be his excellency's impression of the state of the negotiations now pending between them, in their supposed bearing on the question which has been raised under the eighth article of the Louisiana treaty, if such had been his understanding of their import and effect.

The Government of the United States, however, has, upon a thorough conviction of its incorrectness, constantly denied, and can never admit, unless its opinions should undergo a radical and unexpected change, the construction of that article heretofore asserted by the Government of France, and it has certainly been very far from the intention of the undersigned to authorize a contrary inference; nor is he able to recall any thing, in his communications with his excellency, sufficient to support such an inference. The undersigned repeats that the Government of the United States is willing to settle all just claims of French subjects against it on principles of perfect reciprocity with those of its own citizens upon the Government of France; and, with respect to the disputed con-

struction of the eighth article of the Louisiana treaty, it has given the strongest proof of its just and equitable dispositions in the basis proposed by it, two years ago, for the amicable settlement of that question, and in regard to which it has not yet received the answer of his Majesty's Government.

The undersigned embraces this occasion to renew to his excellency the Prince de Polignac the assurances of his distinguished consideration.

W. C. RIVES.

His excellency the Prince de Polignac, &c. &c. &c.

Paris, *March* 27, 1830.

Monsieur le Prince: I had the honor, yesterday, to address a note to your excellency, simply for the purpose of making a statement in answer to your excellency's note under the date of the 23d instant, which the good faith and loyalty of our discussions required should be made without delay.

I beg leave now to state, more in detail, the part which has been acted by the Government of the United States in relation to the question which formed the subject of your excellency's note. The eighth article of the Louisiana treaty had received its execution, according to the construction which the Government of the United States has invariably put upon it, more than two years before any objection was suggested, on the part of his Majesty's Government, to that construction. When, for the first time, that objection was presented to the Government at Washington, in the latter part of the year 1817, it received the most deliberate and respectful consideration, the result of which was a clear conviction, on the part of the Government of the United States, that the article in question had been executed according to its true intent and meaning. An answer to that effect was promptly returned to the representative of his Majesty's Government, containing a detailed statement of the reasons on which that conviction was founded. After the lapse of six months, the objection was renewed on the part of his Majesty's Government; and, from that period to the latter part of the year 1821, the question has been the subject of repeated and the most minute and elaborate discussions between the representatives of the two Governments at Washington.

In the progress of these discussions, which seem to have exhausted, by their variety and extent, every possible view of the subject, the Government of the United States has never failed to give the most earnest and anxious attention to all the arguments presented, on behalf of his Majesty's Government, in support of its interpretation. But not finding those arguments, after the most careful and dispassionate consideration of them, sufficient to overrule what seemed to it to be the obvious import of the terms of the compact, it was compelled to adhere to its original conviction; and, in justification of that adherence, has given full, precise, and distinct answers on every point presented by the discussion. An opinion, bottomed on the plain language of the treaty, and the established acceptation of that language, it has found sustained as to the actual intention of the negotiators, not only by the evidence furnished by its own archives in the communications of its plenipotentiaries, but by every conclusion to be drawn from the recently published narrative of the French negotiator himself.

An opinion thus formed, after a careful and respectful hearing of all the adverse arguments, tested by repeated discussions, fortified by the most respectable authority, reviewed and adopted by succeeding administrations, it could hardly be supposed would be now lightly abandoned by the Government of the United States, and, still less, that its abandonment, and that too without discussion, would be required as a preliminary to opening a negotiation for the redress of undisputed wrongs, long prior in their origin, and wholly distinct in the principles and considerations applying to them. Certainly I have not supposed that such a condition has been, or would be, required by his Majesty's Government.

The energy of the language used by your excellency leads me to believe that there must be some misconception as to the actual treatment of French vessels in the ports of Louisiana. An idea seems to be entertained that the United States grant to the vessels of other nations, in the ports of Louisiana, favors which are denied to French vessels. I beg leave to state to your excellency, that, according to the commercial system of the United States, no nation enjoys any favors, properly so called, in their ports. Every privilege or advantage enjoyed by foreign vessels, in our ports, is the reciprocation of corresponding privileges or advantages granted to our vessels in their ports. The footing of the most favored nation, therefore, in the United States, is that of reciprocity—the treatment of its vessels in the same manner in which it treats ours.

France has always enjoyed, not only in the ports of Louisiana, but in all the ports of the United States, this footing of the most favored nation. No duty or burden, of any sort, is imposed on her vessels which she has not first imposed on ours; and in proportion as she has consented to relieve our commerce from burdens in her ports, we have promptly extended the like exemptions to her commerce in ours.

Since the 1st of October, 1827, from which period, under the operation of the commercial convention of 1822, the discriminating duties on both sides have, in great part, ceased, French vessels are admitted into the ports of Louisiana, and the other ports of the Union, on the same terms (with the exception of a trifling remnant of the ancient discriminating duties) as the vessels of the United States themselves; and as soon as France will consent to abolish that remnant of discrimination, her vessels will be received, to the fullest extent, and in every respect, on the same terms as national vessels.

Several nations have already secured this benefit by stipulating to receive the vessels of the United States in their ports on the same terms with their own vessels. But this stipulation, on their part, has been the indispensable condition of the benefit. To extend the benefit to France, without her compliance with the condition, would be to place her, not on that footing of equal favor with other nations, (which is all that the treaty of Louisiana secures to her after her twelve years of special and exclusive privileges,) but on a footing of greater favor than all other nations. The promise of equal favor, where the advantage claimed is granted to others only on certain conditions, can infer no other obligation than to grant the same advantage on a compliance with the same conditions.

Thus clear and simple has been the interpretation of this treaty by the Government of the United States, and such has been the course of its procedure in relation to it, guided constantly by an anxious desire to fulfil all its obligations with that scrupulous good faith which it believes to be the essential bond of friendly intercourse among nations.

I have the honor to be, with sentiments of distinguished consideration, your excellency's most obedient and most humble servant,

W. C. RIVES.

H. E. Prince de Polignac, &c. &c. &c.

Mr. Rives to Mr. Van Buren.

[No. 23.] Paris, *April* 6, 1830.

Sir: On the 30th ultimo I addressed a note to the Minister of Foreign Affairs, simply requesting an interview; in answer to which, he gave me an appointment for the 5th instant. Yesterday, accordingly, I waited on him at

the Office of Foreign Affairs. He received me in his accustomed manner, and, to my great surprise, made no allusion to the misapprehension which had given rise to our recent correspondence. When, in the course of conversation, it was incidentally alluded to by myself, he did not at all dwell upon it, and seemed to be entirely satisfied in regard to my conduct on the occasion. He turned, very promptly, to the general subject of the claims; said that, finding the details connected with them too extensive to be thoroughly examined by himself, he had appointed a committee of three to examine them, and to report to him; and, when that report should be made, he would be prepared to submit to me, definitively, his proposition.

In the course of the interview, the construction of the eighth article of the Louisiana treaty became the subject of some conversation between us. He maintained, with a good deal of earnestness and apparent conviction, the justness of the interpretation contended for by the Government of France. He said, however plausible our construction might be, if it concerned the stipulations of an ordinary commercial treaty, the question was altogether different in relation to a political treaty, (as he denominated the treaty of Louisiana,) and when considered in connexion with the purchase of territory which was the subject of that treaty. He also insisted that, according to our construction, the article in question would be nugatory and insignificant, as other nations might obtain commercial advantages in our ports by stipulations of such a character, on their part, that it would be physically impossible for France to render the same equivalent.

To these observations I replied, by stating that the terms of the article had an inherent and established meaning, which did not admit of variation. What that meaning was, I deduced from the practical consequences of a contrary interpretation, as well as from the sense in which the same words were obviously employed in other treaties; that, if these words were susceptible of different constructions, according to the nature of the instrument in which they were used, as the dispositions of the Louisiana treaty were partly commercial and partly political, and as the words in question were used in one of its dispositions which was commercial, they ought to be understood in their commercial sense. In regard to the impossibility he had suggested of an execution of the treaty according to our construction, in certain remote contingencies, I remarked that extreme cases might be imagined under the plainest questions, which would present difficulties: that no difficulties, however, existed in the actual case. The equivalent given by other nations for their commercial privileges in our ports, it was clearly in the power of France to render. It was not likely, from the nature of the subject, that equivalents of any other character ever would be required on the one hand, or stipulated on the other. But if a case ever should occur, in which, from the inability of France to render the identical equivalent given by other nations, a specific and literal execution of the treaty should become impracticable, recurrence should be had, as in all such cases, to the good faith of the parties to execute it, according to its general scope and spirit, by agreeing upon some other equivalent as a substitute; and that while it might be illiberal on the part of the United States, in such a case, to insist inflexibly on the precise equivalent given by other nations, and which it was not in the power of France to render, it would be a pretension certainly not less unwarrantable on the part of France to demand, without the rendition of any equivalent whatever, privileges which were granted to other nations only for valuable consideration.

This discussion did not seem to produce any change in the force of the Prince's convictions. But while he adhered, with earnestness, to the interpretation contended for by the Government of France, he did not at all insist upon it (as his note of the 23d ultimo had led me to apprehend he might do) as the condition of a further prosecution of our negotiations. On the contrary, he spoke of our claims, as I have already mentioned, as being in a course of examination preparatory to the presentation of a proposition on his part; and, in the close of the interview, repeated, what he had said on several other occasions, that he had no doubt but that we should be able to settle the whole subject satisfactorily.

In the course of the conversation, he spoke of the proposition to submit the question to arbitration. He said the Government of France never would consent to refer the question to the decision of a foreign Power. That, in all her arrangements of this sort, the agency of a mixed commission had been preferred; and intimated, as I understood him, a desire that this question, together with all others which could not be definitively settled between the parties themselves, should be referred to such a tribunal.

It is impossible for me to foresee, amid the intricacies and surprises of diplomacy, what shape the propositions of the minister may take. Much confidence is undoubtedly felt, not only by the Government, but, to my surprise, by many of the enlightened people of France, in the justice of the Louisiana pretension; and you will perceive, from Prince Polignac's note of the 23d ultimo, that this pretension reaches far beyond a simple restitution of the discriminating duties which have been levied on their vessels in the ports of Louisiana. It demands "indemnities for the advantages of which their navigation has been deprived." It is hardly to be expected, therefore, that this pretension will be gratuitously abandoned.

I have thought, however, that its abandonment might be procured, on good terms for the United States, by the substitution of some other commercial easement, as, for instance, a reduction of the duties on French wines, which, while it would be of far more real advantage to France, would not be in the slightest degree onerous to the United States. Indeed, I perceive that a proposition has been already made in the Senate for the unconditional repeal of all duties on wines, silks, and some other productions of France. I doubt whether this proposition is as conformable to the canons of diplomacy as to the maxims of political economy. Until our present differences with France are terminated, and the commercial relations of the two countries, also, be put upon a satisfactory footing, I think the true policy of the United States is not to give away what fairly entitles us to an equivalent, and what may be the only means in the hands of the Government of peaceably obtaining justice to our citizens, and reciprocity to our commerce. The mere proposition of such liberal measures tends greatly to weaken this important resource of negotiation.

I have the honor to be,
With great respect,
Your obedient servant,
W. C. RIVES.

P. S. I should be very glad to be furnished, as soon as practicable, with a copy of the correspondence between Mr. Adams and Monsieur de Neuville, which preceded, and was on the subject of, the commercial convention of 1822.

Hon. MARTIN VAN BUREN, *Secretary of State.*

Mr. Rives to Mr. Van Buren.

[No. 27.] PARIS, *May* 18, 1830.

SIR: In my last despatch, I mentioned that I had, by a note of the preceding day, solicited another interview with the Minister of Foreign Affairs. On the 10th instant, I received from Baron Deffandis, the director of that division of the Foreign Department in which the United States are comprehended, a note written by the direction of the minister, of which a copy is enclosed. On the fol-

lowing day, I accordingly called at the Office of Foreign Affairs for the purpose of conversing with Baron Deffandis.

I stated to him that I had requested an interview with the minister, in the hope that he would be enabled to communicate to me something definitive on the subject of our claims, in regard to which the motives and necessity for coming to some determination were daily becoming more and more urgent. He said that the multiplied occupations of the minister recently, particularly those which had been imposed upon him by the pending expedition against Algiers, had heretofore prevented him from giving me an answer; but that, in the course of that week, he would send me an answer to my last communication.

Understanding him to refer to the note I had written in relation to the French claim under the eighth article of the Louisiana treaty, and apprehending that a renewed discussion on that question might throw obstacles in the way of the negotiation already commenced, I made several remarks tending to show the unreasonableness and injustice of uniting that question, especially in the way which had been intimated, with the subject of our claims. He replied that he thought there was a very fair and proper connexion between them; that, although the two subjects differed in their particular attributes, they were both of the same general character. His Majesty's Government, he said, was not in strictness (à la requeur) responsible for the acts of the Imperial Government; that the recognition of a limited responsibility in the conventions of 1814 and 1815, with the European Powers, was extorted by the presence of an armed force; that the United States, in presenting the more extensive claims of their citizens, must be considered as appealing only to the friendly and equitable dispositions of his Majesty's Government; that his Majesty's Government, therefore, was justified in saying to the United States, we cannot give you this proof of our friendly sentiments, unless you will, at the same time, give us a proof of a corresponding liberality on your part, by the equitable settlement of a question in which, though you do not admit the validity of our demand, it seems to us to be as well founded as yours.

I need not detain you by saying in what manner I answered a course of reasoning, founded on the obvious error of transforming claims which are *ex debito justitia* in the strictest sense, into an application *ex gratia*, addressed to the mere favor of his Majesty's Government. I remarked to Monsieur Deffandis that I should regret very much if such a position should be taken, and that it could not be viewed otherwise than very unfavorably by my Government.

I have waited till now in the hope that I might be enabled to send you the answer of the minister, whatever it might be; but, although more than a week has elapsed since my conversation with Baron Deffandis, no communication has been yet received from the Department of Foreign Affairs.

I yesterday met with the minister at a reception of the diplomatic corps by the King and Queen of Naples, and snatched a moment of hurried conversation with him, in which I endeavored to impress on him the expediency of turning his attention, at once, to maturing the details of some practical arrangement, instead of renewing a profitless, and, possibly, a mischievous discussion. He seemed to think it necessary to maintain their ground on the Louisiana question in the correspondence, whatever might be the disposition ultimately made of it; but promised to consider my suggestion.

It is to be regretted that the minister, for some time past, has been so much occupied with a variety of other affairs, being charged, *ad interim*, with the portfolio of the War Department, in addition to his own proper duties, sufficiently complicated and burdensome, as Secretary of State for Foreign Affairs and President of the Council, that he seems recently to have bestowed but little of his personal attention on the subject of our claims. I hope that, when his committee shall have made their report, he may be induced to give his attention to the subject, with a view to some practical result.

Though I have not had, and could not properly have, any direct communications with this committee, I have sought to obtain all the information I could as to their proceedings, and to supply, on my part, through unofficial channels, that which I supposed to be necessary to conduct them to a right conclusion. Their investigation being essentially an *ex parte* one, I felt that we were placed under a disadvantage by it, which it was desirable to counteract as far as practicable. The means of doing this was happily afforded me by the intermediary of Mr. Méchin, a French advocate of great intelligence and probity, who, by his marriage with an American lady, having a personal interest in the claims, and representing, professionally, the interests of some other claimants, and being already in relations with the same commission concerning other foreign claims referred to them, could properly communicate with them in those characters, without appearing to come from me. His communications have been with the Marquis Dubouzet, heretofore the secretary of the commission in their investigation of other foreign claims, but now associated with them as a co-commissioner on the subject of the American claims, and charged by his colleagues with the preparation of their report to the minister. I enclose the copy of a note received from Mr. Méchin, some days ago, giving a brief statement of a conversation with the Marquis Dubouzet, the indications of which are quite favorable. The report will probably not be made as soon as Mr. Méchin anticipated, though I hope it will not be postponed much longer, as I see no prospect of an effectual advance in the negotiation till it is laid before the minister.

You will perceive, from the gazettes accompanying this despatch, that the Chamber of Deputies has been at length dissolved, and both Chambers convoked for the 3d of August. The contest in the new elections, which are to take place in the latter part of next month and the first of July, will be, no doubt, a very animated one, as it must be most important in its results. The recent reports of the Prefects of the Departments are said to be more favorable to the success of ministers, though the opposition seem not yet to have lost any portion of their confidence.

I have the honor to be,
With great respect,
Your obedient servant,
W. C. RIVES.

Hon. Martin Van Buren,
Secretary of State, Washington.

[TRANSLATION.]

Department of Foreign Affairs,
Office of the Second Director, Paris, May 10, 1830.

Baron Deffandis has the honor to inform the minister of the United States that he has been charged to receive him on behalf of H. E. the Prince de Polignac, who is compelled, by his multiplied occupations, to deprive himself of that advantage; provided, nevertheless, that the object of the interview be not some new affair, or some confidential communication.

Baron Deffandis, who will be at Mr. Rives's disposal every day until two o'clock, avails himself, also, with eagerness, of this occasion to offer him the assurances of his high consideration.

Mr. Rives, &c. &c. &c. &c.

[TRANSLATION.]

Paris, *May* 12, 1830.

Sir: I communicated to Mr. Dubouzet, in writing, the

observations suggested by the conversation I had the honor of holding with you. I have since seen him, and we conversed at considerable length on the affair in question. My remarks appeared to him to be just, and he makes no doubt of the equity of the claims; only he seems to me to attach too much importance to the negotiations conducted with the Imperial Government by Mr. Barlow, Mr. Crawford, &c. He thinks that the King's Government, substituted to the Imperial, is bound to do what the other would have been bound to do, and no more; and, from the negotiations with the latter, he would infer the importance of the debt.

Although this opinion does not seem to me to be altogether correct, it is, nevertheless, important to enlighten the commission on the negotiations of that period. They have not yet entered upon the examination of that portion of the documents, and their opinion is, therefore, not yet formed. But, it appears, they will arrive at a definitive decision in about ten days.

Do you not think, sir, that I might, after having obtained from you the necessary information, see Mr. Dubouzet again, and discuss this point, which, in his opinion, is of primary importance? If such be your opinion, I will have the honor of seeing you on Friday or Saturday, to make myself acquainted with the facts.

I have the honor to be, &c. &c.

LUCIEN MECHIN.

Mr. Rives to Mr. Van Buren.

[No. 28.] PARIS, *May* 20, 1830.

SIR: You will perceive, from my recent despatches, that the claim asserted by France under the eighth article of the Louisiana treaty has, for some time past, been impending, with a very dubious aspect, over the course of the negotiations here. I have had no discussion with the minister upon the merits of it since that which is detailed in despatch No. 23; but it has been, several times, alluded to by him in such a way (though in very few words, and those very vague) as to make me apprehend that it might yet be made use of to interrupt the negotiations which had been commenced. The conversation I had with Baron Deffandis, on the 11th instant, furnished new ground for that apprehension, by announcing the intention of the minister to address me another note on the subject. Fearing that, in the temper which had been manifested on this point, positions might be taken which would greatly lessen, if not destroy, the chances of an accommodation, and being thoroughly convinced that an accommodation of some sort or other, in relation to it, would be inflexibly insisted on, I determined, after the most deliberate and anxious reflection, to try the effect of the suggestion contained in my despatch No. 23.

This I did, in very guarded terms, in the brief interview I had with the minister on the occasion mentioned in my despatch of the 18th instant. In expostulating with him on the inexpediency of a renewed discussion on a question concerning which the two Governments could not agree, and the injustice of blending it with another subject wholly foreign in its character and principles, I remarked to him, incidentally, that though the Government of the United States (believing the claim of France, under the eighth article of the Louisiana treaty, wholly destitute of foundation) could not feel any obligation to offer an equivalent for its abandonment, yet, in a spirit of friendly liberality, it might be induced, by a prompt and satisfactory settlement of existing differences, to grant, in lieu of it, some other commercial advantage, as, for example, a reduction of the duty on French wines. The suggestion seemed, at once, to gain his favorable attention, though he intimated that the ground already taken on the merits of the question must be maintained, whatever might be the basis on which it should be ultimately arranged.

He asked me to call at the Foreign Office, and leave with Baron Deffandis a memorandum of what I had suggested, that he might more maturely reflect on it. In consequence of this request, I drew up an informal paper, of which a copy is enclosed, and, being disappointed in not finding Mr. Deffandis at the Foreign Office, I have, this day, communicated it in a private note to the minister, of which a copy is also enclosed. You will perceive that, in the form of these communications, I have taken every precaution required by the usages of diplomacy, to prevent them from being considered as authorized and binding official acts.

I have not, however, ventured upon this step without a full sense of my personal responsibility in taking it without the sanction of instructions. The expediency of the measure, however, appears to me so obvious, and its necessity was so urgent, that I flatter myself I have incurred but little hazard of the President's disapprobation in adopting it. The negotiation had been at a stand for more than two months. All my efforts to put it again in motion had, as yet, been without effect. An intention had been announced of renewing the discussion on the Louisiana question; which, in the actual state of the feeling on that subject, could not but throw new obstacles in the way. I was thoroughly convinced that, although they might possibly keep up the forms of a negotiation without insisting on a previous recognition, on our part, of the Louisiana claim, they never would consent to pay our reclamations, unless some accommodation should be made, at the same time, with regard to their claim under the treaty of Louisiana. Time pressed; the Chambers had been dissolved; new elections were to take place the last of June and the first of July, and the Chambers were convoked for the first of August.

The continuance of the present minister in office, in the event of an unfavorable issue of this appeal to the nation, might be very short. Delay, therefore, was almost as bad as a rejection of our claims. It may well be supposed that, after the heavy responsibility assumed by ministers in the enormous expenses of the Algerine expedition, without a previous grant of supplies by the Chambers, they would feel great reluctance to add to this responsibility, by imposing a new debt (arising from the acknowledgment of our claims) on the nation. In the plan suggested by me, while it was safe, and even advantageous for us, I hoped the prime minister would see so much advantage for France, and for himself, politically, in the present crisis, that he would be quickened into a more willing and prompt attention to the subject, and might be induced, without further delay, to bring the negotiation to a practical and favorable conclusion.

The proposition suggested by me, instead of being any sacrifice on our part, would be the acquisition of an absolute advantage to the United States. You will perceive that it has in view the duty imposed on the cheap French wines only, those "imported in casks," as described in the act of Congress. As low as the duty of ten cents the gallon on those wines seems to be, it is yet disproportionably high, compared with the duties on other wines—Madeira, for example. Supposing the average price of Madeira wines, in the United States, to be four dollars a gallon, a specific duty of fifty cents the gallon (which is the present rate of duty on those wines) is equivalent to an ad valorem of twelve and a half per cent. only. The average price, in France, of such wines as are exported in casks, is about fifteen cents the gallon. The cost in the United States would, probably, be double, or it might be as much as forty cents the gallon. Supposing the latter to be the price there, a specific duty of ten cents the gallon is equivalent to an ad valorem of twenty-five per cent. A reduction of the duty on this description of

wines, therefore, seems to be but fair and reasonable towards France; while, by introducing more freely among us a pleasant and unintoxicating drink within the reach of the pecuniary means of almost every class of society, it would have a most beneficial effect on the public morals; and the increased consumption, arising from the more general use of them, under a system of low duties, would, I doubt not, produce a material increase of revenue.

This would be the state of the matter, if the proposed reduction of the duty on French wines in the United States stood alone. But you will perceive that I have connected with it a simultaneous reduction of the duties on American cottons in France. In looking over, while at Washington, the files of Mr. Gallatin's correspondence, I observed in a report of one of the consuls to him, (Mr. Strobel, I think,) a statement that the cottons of America were subjected to a higher rate of duty than those of some other countries. On my arrival here, my attention was early directed to this subject; and the result of the information I obtained was, that while the cottons of Turkey, without distinction of kind, pay a duty of fifteen francs the one hundred kilos. only, and the long staples of India pay a duty of twenty-five francs, and the short staples of the same country a duty of ten francs the one hundred kilos. only, the long staples of the United States and of America generally pay as much as forty francs, and their short staples as much as twenty francs the one hundred kilos. The reduction and equalization of these duties on our cottons would be an important advantage gained to the commerce of the United States, and a full equivalent for any sacrifice which might be supposed to be made in the suggested reduction of the duty on French wines, in any possible view, however unfavorable, of that measure.

I was confirmed the more in my impression of the advantages of this arrangement for the United States, from having seen that a proposition, emanating from very high authority on commercial subjects, was before the Senate for the gratuitous and unconditional repeal of all duties on foreign wines. My view extended only to a reasonable reduction in consideration of fair equivalents, and the stipulation, of course, to be limited, in point of time, to a term of some ten or twelve years. I persuade myself that it cannot fail to obtain the approbation of the President, whose previous sanction the critical and urgent circumstances of the moment rendered it impossible to await, without losing an opportunity which might not, perhaps, very soon occur again.

What effect the suggestions made will have upon the minister, remains to be seen, though I cannot but hope, from the manner in which they were received in our personal interview, that it will be decidedly favorable. I have constantly sought to awaken his attention to the importance and value of the commercial relations of France with the United States, and, at the same time, to intimate to him, very intelligibly, that the advantages of these relations were essentially dependent on an early and satisfactory adjustment of our claims. This view I have been enabled to enforce, with particular effect, by putting into his hands a memorial of the merchants of Philadelphia, presented to Congress in January last, demanding an equalization of the duties on French and India silks, and supporting the application by very persuasive arguments. He is fully aware of the value of this interest of the commerce of France, and manifests a quick sensibility to whatever threatens it with a loss of its present advantages. I have, also, derived aid from their own official documents in impressing these considerations, particularly from an important document accompanying the recent report of the Minister of Finance to the King, in which a full view is exhibited of their whole foreign commerce, and which carries the valuation of their commerce with the United States to a much higher amount than the annual treasury statements of the United States. The solicitude of the minister, therefore, being already aroused on this subject, I am the more induced to anticipate a favorable effect, from the suggestions contained in the paper just communicated to him.

The changes in the ministry, announced this morning, add not a little to the force of the motives for taking, at once, some step which may afford a chance of bringing the pending negotiation to a close. Comte de Peyronnet and Monsieur Chantelauze, who take the places of Comte Chabrol and Monsieur Courvosier in the ministry, are of a much higher tone of royalist politics than their predecessors, and their names will, undoubtedly, render the ministry still more the object of national aversion. Comte de Peyronnet was one of the most obnoxious of the Villele ministry, which fell before the elections of 1827. Being, however, a man of talent, and of great boldness, it may be expected that his presence in that department which more immediately superintends the elections, may extort from the prudent fears of the voters what could not be obtained from their confidence or their affection.

I have the honor to be,
With great respect,
Your obedient servant,
W. C. RIVES.

Hon. Martin Van Buren,
Secretary of State, Washington.

[PRIVATE.]

Paris, *May* 20, 1830.

Monsieur le Prince: In pursuance of the understanding with your excellency, I called yesterday at the Foreign Office to leave the enclosed paper with Monsieur le Baron Deffandis for you, but had not the good fortune to see him. I have called again to-day at an earlier hour, to be more sure of finding him in his bureau, and in the hope, also, that I might possibly be favored with a short interview with yourself, as I had been informed that you had set apart this day in each week for the reception of such of the diplomatic corps as have business with you. Being disappointed in both objects, I have now the honor to transmit the paper in question to you, hoping that the proof you will see in the nature of its suggestions of a sincere desire to prevent any interruption of the friendly relations between our Governments, will lead to a prompt and satisfactory settlement of the differences which have been so long pending.

I have the honor to be, with distinguished respect, your excellency's most obedient and most humble servant,
W. C. RIVES.

H. E. the Prince de Polignac, &c. &c. &c. &c.

[PRIVATE AND CONFIDENTIAL.]

In lieu of the privilege claimed by France under the eighth article of the Louisiana treaty, let her obtain from the United States a stipulation to receive her wines at a still lower rate of duty. The duty in the United States on the greater part of French wines, which is stated in the Petition des Propriétaires des Vignes, &c., of 1828, at nine dollars the barique, is now ten cents the gallon, or six dollars the barique. But the United States, in a spirit of liberal accommodation to the feelings and interests of the French Government, might be induced, by a prompt and satisfactory adjustment of the questions now pending, to favor the commerce of French wines by a still further reduction of duties: to make them, for example, instead of six dollars the barique, —— dollars the barique.

Would not a substantial privilege of this sort, obtained in all the ports of the United States, for the most important, and at the same time the most suffering branch of the national industry of France, be worth infinitely more than

the advantage (almost entirely nominal, it is believed) sought for the French navigation in the ports of Louisiana alone, by a construction which the United States have uniformly opposed, and must ever oppose, as destitute of foundation?

The representations of the vine proprietors to the Chambers show that their great want, at this moment, is that of exterior débouchés for their products, among which they particularly refer to the market of the United States as an important one. It is believed that the consumption of French wines in the United States is already as great, or nearly so, as that of any country in Europe, (except France herself,) since the great diminution of the consumption of the North of Europe, which is said to have been occasioned by the French duties on foreign irons and linens. It is to be remarked, however, that the taste for French wines is just beginning to be formed in the United States. When that taste shall be definitively decided in favor of them, as it undoubtedly would be by a freer and more favorable introduction of them under a system of low duties, the value of that market to the vignobles of France can be measured only by the extent of its territory, and the rapid increase of its population. If, on the other hand, that taste should be now checked by an unfavorable state of the commercial or political relations of the two countries, the habits of using other drinks, or the establishment of the vine culture there, would forever deprive France of that market. It is to be also observed, that the opportunity now afforded to France of securing a permanent and valuable débouché for her wines in the United States, is not subject to any of the objections which, it is presumed, would attend the acquisition of débouchés in other quarters. It is hardly to be supposed that the Governments of the North of Europe would consent to a reduction of their duties on French wines, unless France should, at the same time, consent to reduce her duties on their irons and linens—a measure which would very injuriously affect the manufacture of those articles in France. On the contrary, the suggested arrangement with the United States naturally draws to it a measure which would essentially promote the manufacturing interests of France, in admitting the raw material of its cotton fabrics from the United States on the same terms as from other portions of the world. This is no favor to the United States. It is a measure which has been already recognised as being required by the interests of France herself, and the projet of a law to that effect has been for some time past, it is understood, in readiness to be laid before the Chambers.

If these suggestions should meet the acceptance which it seems impossible, indeed, to withhold from them, they might be arranged in a short commercial treaty, to be executed simultaneously with the plan of indemnities heretofore submitted, and the one to be dependent on the other.

They are submitted for consideration, not from the idea that France can rightfully expect any equivalent for the abandonment of a pretension believed to be wholly untenable, or for the satisfaction of claims of unquestionable justice, but in a spirit of the most friendly liberality; and with a sincere desire to render an act of justice on the part of France, (which all parties here seem agreed must sooner or later be performed,) at the same time an act of interest, a source of permanent advantage to the nation, and of popularity and credit to the administration which concludes it.

If these suggestions should not lead to a satisfactory arrangement now, it will not accord with the views or policy of the United States to grant the same advantage at any future period.

Mr. Rives to Mr. Van Buren.

[No. 29.] PARIS, *May* 29, 1830.

SIR: I have now the honor to enclose you the copy of a communication received from Prince Polignac, and a copy of my answer also. You will, no doubt, be struck with the coincidence between the course of reasoning adopted in the written communication, and that developed, for the first time, in the conversation of Baron Deffandis, which is detailed in my despatch No. 27. This may serve to explain not only the origin of this communication, but the source of the discrepancies which have appeared between the conversations of the minister, and the notes written in his name. I must here remark, in regard to the alleged misapprehension about the Louisiana claim, that the minister has never, in any conversation with me, asserted that he had understood me as expressing any acquiescence, or possibility of any acquiescence, on the part of the Government of the United States in the French construction of the Louisiana treaty.

You will perceive, however, that, in the attempt to retrieve this departure, positions have been taken very far beyond any assumed by former ministers. This variance I have thought it important to point out in my answer, as well as to expose the true character of the new positions which have been assumed. Indeed, the tone, as well as reasoning of this communication, seemed to me to require a free and unreserved development of the extravagance of the pretensions asserted on the part of France, as well as a firm vindication of the justice of our demands. While I thought this course called for, both by the dignity of the American Government, and the importance of the rights involved, I believed it, at the same time, most expedient in reference to the effect to be produced.

In going up, however, fully to the limits of allowable freedom in diplomatic discussion, I have been careful not to transcend them, or to embarrass the Government in any course of measures which may ultimately become necessary, by the indiscretion of a hasty zeal on my part. The task was a delicate as well as important one, and I can only say that the manner of its execution has been the result of my best reflection, both as to what is right and what is expedient.

If the Government of France should adhere to the position now taken, (which I can hardly believe to be seriously intended,) one object, at least, will have been attained in having brought them to a distinct and intelligible expression of their determination with regard to our claims. I shall seek an early interview with the minister, in which I shall speak to him, with great frankness, of the unfavorable light in which the new position he has taken must be viewed by the Government of the United States, and shall endeavor to awaken him to all the other considerations connected with the friendship and harmony of the two countries, which may seem best calculated to have an effect.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

Hon. MARTIN VAN BUREN,
Secretary of State.

[TRANSLATION.]

PARIS, *May* 20, 1830.

SIR: The letters which you did me the honor to write me the 26th and 27th of March, have given me the greatest pain, by causing the hope I had conceived of a speedy settlement of the differences existing between France and the United States to vanish. I find that I misunderstood your words, and that the Government, of which you are the representative, persists in rejecting the interpretation we have never ceased to give to the eighth article of the treaty of cession of Louisiana. From that moment, I say it with regret, the negotiation which had been opened between us is indefinitely adjourned. I should confine my-

self to this painful declaration, if some passages of your letter, in expressing, on the whole of this subject, views which appear to me altogether inaccurate, did not impose upon me the obligation to restore the question to its true light.

You seem to think, sir, that the claims of the United States are so well founded in justice and in right, that it is impossible for us even to contest the obligation to satisfy them. Such, however, is very far indeed from being the case, and those claims would be inadmissible if we chose to reason from strict right. In effect, the King's Government cannot be held responsible, without distinction, for all the acts of the Governments anterior to the restoration. The European Powers formally acknowledged this at a period when, masters of France, they thought proper, for the interest of their subjects, to impose on us very rigorous conditions, and when nothing compelled them to limit their exactions. They laid it down as a principle, by the treaties of 1814 and 1815, that, of the credits which their subjects had against France, none should be admitted but such as sprung from contracts or other positive obligations. The United States have, therefore, fallen into a serious error, so often as they have cited those treaties as an example and authority in support of their claims; since it is a fact that none of those claims have the slightest analogy with those which it was the object of the treaties of Paris to guaranty. Consequently, those instruments, far from being against us, afford us occasion to remark, that what victorious enemies did not feel at liberty to exact, a Power which has not ceased to be our ally, and treats with us on terms of equality, can have still less claim to impose.

I repeat, that we should be justified by strict right in rejecting the claims of the United States. If we have consented to discuss them, it is from a sentiment of equity, and, still more, from a spirit of good will toward the Federal Government; but we had a right, at the moment we were giving such a proof of our conciliating dispositions, to hope that the United States would not refuse us the enjoyment of the advantages stipulated by a formal clause of a treaty; and when I thought I understood from your language that those secured to us by the eighth article of the treaty of the cession of Louisiana would be no longer contested, that, consequently, our navigation would enjoy henceforward, in the ports of that province, the footing of the most favored nation, I only saw in that (though tardy) acknowledgment of an incontestable right, a most imperfect compensation for the generous concessions which France showed herself disposed to make.

But, sir, you now inform me that I was mistaken. You tell me that the Government of the United States never can admit our interpretation of the article in question, unless a total and unexpected change ensue in its dispositions; and, in support of this assertion, you offer me a series of arguments which I am going to examine.

After having stated that the opinions of the United States have never varied on the point in question, you say that the eighth article of the treaty of cession of Louisiana was applied, for more than two years, in the sense against which we now remonstrate, before we thought of raising any objection. This demands some explanations.

It must be observed, in the first place, that only in 1815 can the abuse of which we complain have begun. It may be readily conceived that, in the situation in which France then was, she might not have perceived the wrongs her navigation suffered in another hemisphere; it may even be conceived that her navigation might have been so much depressed by the effect of the circumstances of the moment, as not to be sensible immediately of the irregular treatment reserved for it.

It appears, in effect, from the documents which I have found in the offices of my department, that, until the last months of the year 1817, the French Government was absolutely ignorant of the grievance of which it has not ceased since then to demand the redress. At that period it was that the reclamation of a captain of a merchant vessel aroused our attention for the first time to this subject, without making us acquainted, however, with the motive or pretext of this denial of justice. Mr. Hyde de Neuville, then minister at Washington, was immediately charged to make inquiries, and to claim the full and entire execution of the treaty of 1802.

This statement will suffice, sir, to reduce to its true value the inference (in itself sufficiently inconclusive) which you seem to draw from the pretended silence of France originally as to the state of things which is now the subject of her complaints.

You are acquainted with the discussions which took place from 1817 to 1821, on this important question. They were continued so long as France could indulge the faintest hope of their leading to a satisfactory result. If we at last suspended our just reclamations, it was because it had become evident that the Government of the United States was, for the moment, well determined to pay no regard to them, but we have never thought of abandoning a right incontestable in our opinion, and we have always reserved the privilege of bringing it forward at a seasonable opportunity.

I have said that we considered that right as incontestable. I do not intend to repeat here all the arguments which Mr. H. de Neuville submitted, at the time, to the Government of the United States. It will suffice for me to restate that that Government asserts the right to refuse us the enjoyment, in the ports of Louisiana, of the advantages conceded, in 1815, to English navigation in the ports of all the United States, for the alleged reason that England has obtained them for a valuable consideration by reciprocity, and that the United States, in offering to extend them to us on the same condition, fulfil all their engagements with us. To this we have always replied, and we reply again, that we also claim those advantages for a valuable consideration; that we have paid for them in advance by the cession of Louisiana; and that now, to grant reciprocity besides, would be to double the price, which we cannot, and do not choose to do. It has also been objected that the principles received in the United States do not allow any State of the confederacy to be placed, in matters of this nature, under regulations from which the others are excepted, as we require with respect to Louisiana. Not satisfied to oppose to this objection facts which destroyed even its apparent force, we have shown that it is moreover inapplicable to us, and that a principle of internal administration cannot prevail against the stipulations of a treaty.

You tell me now, sir, that, according to the commercial system of the United States, no nation enjoys in their ports any favor, properly so called; that every privilege or advantage granted to foreign vessels is the reciprocation of corresponding privileges or advantages granted to the vessels of the United States in the ports of those foreign nations. These arguments are too completely involved in those of which I have just pointed at the refutation, for me to think it necessary to impugn them specially.

I will only add that, in giving me to understand that your Government refuses the condition of reciprocity to no foreign nation, you furnish a yet stronger evidence of the justice of our reclamations. It is manifest, in effect, that the object of the eighth article of the treaty of 1802 was to secure to us some advantage or other, and it would be a complete nullity if it only guarantied to us that which is withheld from nobody. Such a supposition is not admissible.

You further cite, sir, in support of your interpretation of the article in question, the opinion of the French plenipotentiary who negotiated it. Besides that that opinion would not be conclusive, unless consigned in an official

act, and with direct reference to the treaty, I must confess to you that I am entirely ignorant of the circumstances on which you can found that assertion.

I will not push further a discussion which would be, at this moment, without object. My only aim in presenting you these observations, has been to guard against the Government of which you are the representative, deceiving itself as to the real dispositions of France relatively to the two questions treated in this letter. I wished to establish the fact, that the reclamations of the United States are far from being viewed by us as incontestable; that, on the other hand, we have never, for an instant, ceased to interpret the eighth article of the treaty of cession of Louisiana in the sense which I have just indicated; and that in the advantages promised us by that article, so interpreted, constituting, in part, the price of the cession of that country, we have never admitted that the clauses of a convention, on which repose interests so essential, particularly to the United States, could be thus rescinded. Suffice it to say that, in limiting ourselves to a refusal to consent to the repetition of claims very susceptible of argument, so long as you should not acknowledge in our favor a right, in our eyes, incontestable, we surely only make use of very moderate and even very incomplete reprisals. I repeat, then, that the negotiation which we had begun is suspended; but the confidence which I take pleasure in placing in the sentiments of justice of your Government, inducing me to hope that it will soon enable us to resume it, I have wished to remove, as much as lay in my power, the difficulties which might impede its progress, and the commission, of which my letter of the 9th of March announced to you the formation, continues to occupy itself with the examination of the documents relating to the reclamations of the United States.

Accept the assurances of the high consideration with which I have the honor to be, sir, your most humble and most obedient servant,

LE PCE. DE POLIGNAC.

Mr. Rives, &c. &c. &c.

Paris, *May* 26, 1830.

Monsieur le Prince: I will not allow myself to express to your excellency all the surprise I have felt at the contents of the letter which you did me the honor to address to me under the date of the 20th instant, and which was received on the 22d. I need not remind your excellency that, since the delivery of my notes of the 26th and 27th of March, to the declarations contained in which you are pleased to refer the suspension you have notified to me of the negotiations which have been commenced between us on the subject of American claims, I have had the honor of several conferences with your excellency, in which, far from intimating such an intention, you have led me to expect a formal proposition from you for their adjustment, as soon as a commission you had charged with the examination of certain questions connected with them should have made their report to you. But if, in the circumstances of this communication, there be matter for surprise, there is not less in the cause you have assigned for it. What is that cause? I beg leave to ask your excellency. That the United States will not previously acknowledge to be correct an interpretation of a treaty relating to a wholly different subject, which it has invariably believed to be incorrect and unfounded. Some of the predecessors of your excellency, I am aware, have declined a negotiation on the American claims, unless the Government of the United States would, at the same time, consent to negotiate on the claim asserted by France under her construction of the eighth article of the Louisiana treaty; and in that demand, requiring the united discussion only of two subjects having no proper connexion with each other, the United States have always seen a condition sufficiently exceptionable. But a pretension, which your excellency's predecessors felt themselves warranted only in asking, should be made the subject of negotiation, your excellency transforms into one of such clear evidence and paramount character, that its absolute admission is demanded as an indispensable preliminary to negotiation.

The Government of the United States never could consider the position taken by your excellency's predecessors (so much less exceptionable than that now assumed by your excellency) in any other light than as a temporary postponement of claims whose justice was not denied, and which it was intended ultimately to satisfy. When your excellency, therefore, entered into negotiation with me on the subject of those claims, without attempting to combine with them an irrelevant and litigious question, and had actually agreed with me as to the validity of the greater part of those claims before any allusion was made to that question, I saw in that course only a recognition that the time had arrived when the loyalty of his Majesty's Government admitted of no longer delay in the fulfilment of its just intentions. In what manner the contents of your excellency's letter of the 20th instant have answered to these indications of a just and friendly policy, it is needless, as it would be painful, for me to say.

It is important, however, to present the true state of the question which has now arisen, and I beg leave to invoke your excellency's serious attention to it. The citizens of the United States have sustained the most flagrant and unwarrantable wrongs from the authorities of France; their property, to a large amount, has been forcibly taken away from them, in violation alike of the principles of public law and the faith of treaties, and that property has been applied to defray the expenses, and to aid the resources of the French nation. These facts have not, and cannot be denied. When the Government of the United States demands restitution or indemnity, will your excellency answer, "however true it is that your property has been lawlessly and wrongfully wrested from you, we will not restore it, or make you any indemnification for it, unless you will first admit our interpretation of the eighth article of the Louisiana treaty, though you may believe that interpretation to be altogether unfounded?" Governments act under the sanctions of a moral responsibility as well as individuals, and it is, therefore, allowable to test their proceedings by the same principles which would be applied to the conduct of individuals in similar circumstances. I may, therefore, be permitted to ask your excellency what judgment the moral sense of mankind would pronounce on the conduct of an individual who, being wrongfully in possession of the property of another, should answer a demand of restitution by saying, it is true I have possession of your property, which has been wrongfully taken from you, but I will not give it up unless you first assent to my construction, however erroneous you believe it, of the contract between us, about which we have so long differed in opinion.

Your excellency will not, I presume, seek to evade the force of this statement by saying that the wrongs of which the United States complain were not committed by the present Government of France. There is no principle more firmly established by the maxims of public law, or the practice of nations, than that the rights and obligations of nations toward one another cannot be affected by mutations of their Governments, or changes in their interior political organization. If it were otherwise, what security could there be in transactions among nations? and how anti-social must their relations become? But the reclamations of the United States do not rest alone on this acknowledged principle of international law. The property wrested from American citizens was applied, as already remarked, to defray expenses which must otherwise have been levied upon the French nation, or been met by an increase of its public debt. France, therefore, has received,

and still enjoys, the benefit of this property; and the obligation to restitution, which the established principles of public law impose, finds itself, at the same time, enforced by the clearest considerations of equity and moral justice.

Your excellency has thought proper to refer to the treaties of 1814 and 1815 between France and the European Powers, for the purpose of proving that the Government of the King cannot be made responsible, without distinction, for all the acts of the preceding Governments; and has informed me that the principle laid down in those treaties is that of responsibility for claims arising from contracts or other positive obligations only. I must first remark that the Government of the United States has never considered those treaties as furnishing rules applicable to the claims of its citizens; nor can they possibly be supposed to do so, when reference is had to the different relations in which the Powers of Europe and the United States then stood to France. The Powers of Europe, who were parties to the treaties of Paris, were, as your excellency states, enemies of France, and the losses and injuries which their subjects had sustained by acts of violence were the consequences of war. For these, therefore, redress in general was not demanded on either side.

Altogether different, however, was the situation of the United States. They were neutrals, and the property of their citizens, under the double guaranty of public law and the faith of treaties, was rightfully exempt from every species of violence. This difference of position must, of course, give rise to a corresponding difference in the character of European and American reclamations, but the principle of a transmitted responsibility is the same in both; and, indeed, it would seem that those who had been lawlessly deprived of their property without their consent, should meet with a more favorable consideration from his Majesty's Government than those who had voluntarily parted with theirs for the uses, and on the credit, of the usurping Government.

Though, for the reason stated, the mass of the claims provided for by the treaties of 1814 and 1815 with the European Powers are unlike those of the citizens of the United States in their particular character, your excellency is undoubtedly mistaken in saying that none of those claims bear the least analogy to the American reclamations. I will here mention, as examples of the contrary, the additional articles concluded with Great Britain on the 30th May, 1814, by which the French Governments stipulated to pay for all property, real or personal, of British subjects unlawfully confiscated or sequestered by the French authorities since 1792; the treaty of the 20th July, 1814, with Spain, containing a similar stipulation in favor of Spanish subjects; article 3d of the convention of the 20th November, 1814, respecting the spoliation of the Bank of Hamburg; and article 4th of the same convention, providing indemnity for certain seizures and confiscations in Germany under the decree of Nossen. A further research might disclose other similar cases; but these suffice to show that your excellency has fallen into error, when you have said that none of the reclamations provided for by the treaties of 1814 and 1815 bear the least analogy to those of the United States; for, exclusive of claims founded on contract, it is precisely for unlawful seizures, spoliations, sequestrations, and confiscations of their property, that they have been so long seeking redress from his Majesty's Government.

Having thus exposed the true nature of the reclamations of the United States, showing their origin in injuries of the grossest kind, and the foundation of their obligation upon his Majesty's Government in the clearest principles of public law and moral justice—principles so often recognised by his Majesty's Government, and not, indeed, denied by your excellency—I will now contrast with them that pretension under the eighth article of the Louisiana treaty, which your excellency has produced with a positiveness of assertion never before observed in any of the communications of his Majesty's Government on the same subject, and which seems, in effect, to deny that equal right of interpretation which essentially belongs to both parties to a compact. In the exercise of that right on the part of my Government, I hope to place its interpretation on grounds of reason and evidence which cannot be impugned.

Whether France enjoys an equal footing with the most favored nation in the ports of Louisiana, depends simply upon the true meaning of those terms. Now, the United States say that the necessary, inherent, and only rational meaning of equal favor with another is to grant in the same manner to one that which has been granted to another; if the thing in question has been given gratuitously to one, to give it also gratuitously to the other; if it has been conceded to one on the performance of certain conditions, to concede it to the other on the performance of the same conditions; that, to give to one, absolutely and unconditionally, an advantage which has been granted to another only on the performance of certain conditions, is evidently to put the former not on a footing of equal favor with, but of much greater favor than the latter.

This obvious exposition of the terms is not denied by your excellency. But when you are informed that the advantages enjoyed by the vessels of several European Powers in our ports have not been given to them gratuitously, but for a valuable consideration, your excellency replies that it is for a valuable consideration, also, that France claims these advantages; that she has paid the price of them in advance by the cession of Louisiana. Does not your excellency, however, perceive that this is assuming the very question in dispute? What is it that France has paid for by the cession of Louisiana? Not the specific advantages enjoyed by Danish, Dutch, and English vessels, for they could not be foreseen, but, in general, the footing of the most favored nation. The question then still recurs, what does the footing of the most favored nation mean? Why, to grant to France gratuitously any advantages which may be granted to other nations gratuitously; and if advantages are granted to other nations on the performance of certain conditions, to extend the same advantages to her on the performance of the same conditions. This is what France obtained by the treaty of Louisiana, and what the United States have never, and will never, deny to her.

The advantages enjoyed by the vessels of Denmark, Holland, England, and several other Powers, in our ports, have been granted to them only on the condition of the reciprocal treatment of our vessels in their ports. Let France comply with this condition, and her vessels will at once enjoy the same advantages to the fullest extent. To grant them to her while she refuses the condition demanded of all other nations, would be, as has been already said, to put her, not on a footing of equal favor with, but of much greater favor than any other nation, and thus to convert what was evidently meant as an equal privilege with the most favored of other nations, into an exclusive one, possessed by no other nation.

Here is the radical source of the error which pervades the arguments of your excellency. Your excellency seems constantly to suppose that the eighth article of the Louisiana treaty was intended to secure to France an exclusive privilege. But such was certainly not the fact. The seventh article secured, as was intended to secure, for a limited time, an exclusive privilege to France, in stipulating expressly that, during the term of twelve years, her vessels should be received on a better footing than those of any other nation, Spain only excepted. But, with the twelve years, the exclusive privilege ceased, and thenceforward, by the eighth article of the treaty, her vessels are to be received on an equal footing with

those of the most favored of other nations, but not on a better footing than theirs.

Your excellency, however, remarks, that, as in the actual commercial policy of the United States, they offer the terms of reciprocity alike to all nations, this construction of the eighth article of the Louisiana treaty would render it altogether unmeaning; that it must have been intended to secure to France some advantage, but that it would convey none, if it only entitled her to that which is refused to no Power. Your excellency, however, does not seem to recollect that the commercial regulations of a country are, in general, subject entirely to its own discretion. It may, at its pleasure, grant favorable terms to one nation, and withhold them from another. Though the United States, at the present day, have adopted a system of common and equal favor to all nations, they may, at any moment, depart from that system, and enter into special arrangements, granting to one Power advantages which they may choose not to grant to another.

The value of the stipulation contained in the eighth article of the Louisiana treaty consists in the protection it gives France against any discriminations of this sort; and in entitling her, as a matter of right, to claim from the United States on the same terms any advantages which they may grant to other nations—gratuitously, if they are granted to others gratuitously—on the performance of the same conditions, if granted conditionally to others. This would be purely optional on the part of the United States with regard to other Powers, but, in relation to France, it becomes, by virtue of the eighth article of the Louisiana treaty, binding and imperative. If a stipulation of this sort be without advantage, and an unmeaning nullity, as your excellency has remarked, it is, nevertheless, such a one as the most enlightened commercial nations have been in the practice of contracting for, and which the illustrious sovereign who was a party to our first treaty with France thought it important to obtain, when, by the second article of that treaty, it was stipulated that, whatever favor might be granted to other nations by the United States, should be enjoyed by France "freely, if the concession was freely made; for the same compensation, if the concession was conditional."

The French Government, in urging its pretensions on this subject, has several times represented the stipulation in question as an essential and substantive part of the price given by the United States for the cession of Louisiana, and your excellency speaks of it in the same manner. If it were so, I have already shown the real nature and extent of that price, and that it has been faithfully rendered by the United States. But it is apparent, from the form of the transaction itself, that this stipulation was not considered as forming any part of the equivalents for the cession. The cession, and the equivalents for it, were not included in the same treaty. The cession itself, its limits, all that related to the transfer of the territory, and its future political and commercial condition, formed the subject of one treaty; the equivalents were contained in two separate conventions of the same date. The stipulation in question is not found in the conventions which fixed the equivalents, but in the treaty of cession.

The obvious inference arising from the form of the transaction is, to-day, confirmed by the testimony of the French negotiator, who, in his recently published history of the negotiation, says, "the negotiation had three objects, the cession, the price, and the indemnities claimed by the United States; and that it was agreed to treat of those objects separately, and to make them three distinct acts or treaties." The true price of the acquisition, therefore, must be looked for, not in the treaty of cession, but in the conventions accompanying it, which fixed that price at eighty millions of francs, being thirty millions more, as is proved by the same authentic authority, than was required by the chief of the French Government, and which, in the extreme uncertainty then existing as to the limits of the cession, and the acknowledged impossibility of preserving the territory from the grasp of a powerful enemy in the moment of renewed hostilities, was signally advantageous for France, and onerous to the United States. How forcibly, then, might I return a remark of your excellency, and ask with what reason the United States, who have already paid for this acquisition, almost double the price which was deemed sufficient by the vendor, can be now required to treble that price in the shape of commercial privileges, which have been shown, I trust, to have no sanction in a just interpretation of the treaty?

It is not, surely, by a pretension of this sort that the loyalty of his Majesty's Government will seek to off-set the just reclamations of our citizens for the flagrant and undeniable wrongs of which they have been the victims. Are the members of a friendly nation never to be indemnified for property of which they have been deprived by the most lawless acts, because the Governments of the two countries cannot agree in their construction of some compact between them in relation to a different matter? Where is the relation or dependence between the two questions? Is it the less true that the citizens of the United States have suffered the grossest injuries from the authorities of France, for which they are entitled to redress, because the Government of the United States cannot persuade itself that the interpretation which France chooses to put on the eighth article of the Louisiana treaty is correct? If a sovereign Government can thus avoid its obligations, then all national justice is an illusion, for nothing more would be necessary to repel the most incontestable claims, but for the Government of which they are demanded to raise some disputable pretension against the Government of the claimants; the more unfounded the better, as it would be so much more impossible for the latter to admit it.

But your excellency tells me that the rights of our citizens are to be withheld as a reprisal upon the United States for not admitting the interpretation which France puts on the eighth article of the Louisiana treaty. In what code of national law this doctrine of reprisal is to be found, I am at a loss to know. Is reprisal, then, a legitimate remedy for a difference of opinion? Has one party to a compact an exclusive right of interpretation, which it can enforce by penalties and confiscations? I need not say how little such a doctrine accords with the profession of moderation which accompanies it, or in what light it must be viewed by a Government which, sincerely desiring the maintenance of the most friendly relations with that of his Majesty, has not been wanting in the proposition of amicable modes to adjust this and all other differences between them. A perseverance in this position can be regarded in no other light than as a final denial of the justice which has been so long sought for the wrongs of our citizens. I entertain a firm confidence that your excellency's enlightened sense of justice, and the well-known loyalty of his Majesty's Government, will avert such a result.

I have the honor to be, with distinguished consideration, your excellency's most obedient and most humble servant,

W. C. RIVES.

His excellency the PRINCE DE POLIGNAC, &c. &c. &c.

Mr. Rives to Mr. Van Buren.

[No. 30.] PARIS, *June* 8, 1830.

SIR: I have the honor to enclose the copy of a private note received from Prince Polignac, on the subject of the suggestions contained in the informal paper I had addressed to him on the 20th ult., and also a copy of my reply. You will perceive that I availed myself of the occasion to remind him of his commitments, and also to make an ap-

peal to the personal sentiments of the King. I was the more induced to do this, because I had just heard that the commission had, a day or two before, contrary to the expectation previously entertained, made a report very unfavorable to our claims.

The history I have of it is this. Baron Mounier, the president of the commission, had obtained a congé of two or three months' absence from Paris, and was to have taken his departure on the evening of the 30th ult. The note I had addressed to the minister on the 26th ult., however, having excited some inquietude, the minister, in a meeting with Baron Mounier, in the morning of the 30th ult., at St. Cloud, (where the Baron attended the usual weekly reception for the purpose of taking his leave of the King, previous to his departure from Paris,) insisted that the commission should make a report before the Baron left Paris. Baron Mounier, being thus delayed in the moment of his intended departure, assembled his colleagues the next day, in the course of which, possessing great influence over the rest of the commission, he prevailed with them to join in a very hurried and ill-considered report, and the following morning left Paris.

The report, I understand, affirms that the King, having succeeded to the rights and engagements of Napoleon, ought not to pay that which Napoleon would not have paid, and arrives at the conclusion that the utmost amount which his Majesty's Government can be made responsible for, is eight millions of livres tournois, (francs,) subject to considerable reductions, too, on account of counter claims of France. What respect the minister will pay to this report, if it be of this character, it is impossible to say. In order to provide against such a contingency, I have repeatedly taken occasion, in conversation with him, to remark that the proceedings of the commission being unilateral and ex parte, it would be unjust that the rights of the American claimants should be, in any manner, concluded by them; and he has invariably answered that their report would not be at all definitive, and was only intended to furnish materials upon which he would freely form his own judgment.

I have not yet been able to obtain an interview with the minister, though I addressed him a note on the 1st instant requesting one. I have this moment received the note of which a copy is enclosed, in answer to it, from which you will perceive that the minister again turns me over to Baron Deffandis. This, I think, is unfortunate, as it deprives me of the benefit of what has been already agreed and settled in my interviews with the minister; and I cannot help thinking that it is to get rid of the embarrassment which the minister experiences from that circumstance, as well as on account of his "numerous occupations," that he refers me to Baron Deffandis.

It must be admitted, however, that his occupations are very numerous and very absorbing. As the head of the ministry, he must, of course, be very much occupied with all the various arrangements preparatory to the approaching elections, on which so much depends: the nomination of the presidents of the electoral colleges; the instructions to public functionaries in regard to their duties as electors; the royal proclamation to be issued on the eve of the elections; all of which matters, it is said, have of late very much employed and divided the councils of the ministers. At the same time, great anxiety prevails, as you may suppose, respecting the Algerine expedition, of the first operations of which they are every moment expecting intelligence. The circumstances of the crisis, therefore, are certainly very unfavorable for our objects. Whatever can be done, however, I shall continue to employ my best efforts to accomplish, however discouraging the prospect.

I have the honor to be,

With great respect, &c.

W. C. RIVES.

Hon. M. VAN BUREN.

[PRIVATE—TRANSLATION.]

PARIS, *May* 31, 1830.

SIR: I have received the private letter you did me the honor to write me the 20th instant, in which you suggest to me the possibility of terminating, by a sort of compromise, the differences existing between our two Governments. The conciliatory sentiments you express to me are too conformable to my own, for such a proposition not to have engaged all my attention. You will readily understand that a few days have not sufficed to enable me to form, with regard to it, even an approximative opinion. Besides, it appeared to me that the first thing to be done was, to resolve a doubt which has occurred to me on the nature of this proposition. You will find it stated in the accompanying note, and I hope you will be pleased to afford me the explanations necessary to elucidate it.

I have the honor to be, &c.

THE PCE. DE POLIGNAC.

Mr. RIVES, &c.

[TRANSLATION.]

It is proposed to the French Government to renounce, in consideration of a reduction of the duties imposed in the United States on the wines of France, the privilege which it claims for her navigation under the eighth article of the treaty of cession of Louisiana.

Before proceeding to the examination, necessarily complicated, of the advantages which such a proposition, or any other of the same nature, may offer to French commerce, it is absolutely indispensable to resolve a preliminary question.

France could not exchange a privilege secured to her forever, except for an advantage equally perpetual. She would not consent, therefore, to accept, as a compensation, any stipulation whatever which the mere will of a foreign Government might, at any moment, revoke without her participation.

Would the proffered reduction of duties be of this character, or, on the contrary, would it take that of a synallagmatic and obligatory engagement?

In the first case (it is said with regret) other modes must be sought to reconcile the differences existing between the two countries.

In the second, a thorough examination of the intrinsic value of the proposition might be entered into.

[PRIVATE.]

PARIS, *June* 2, 1830.

MONSIEUR LE PRINCE: I had the honor, yesterday, to receive the private letter your excellency addressed to me the day before, for the purpose of inquiring whether the reduction of duties on French wines in the United States, which I had suggested as a friendly concession to the commerce of France, in the event of a prompt and satisfactory settlement of the questions now pending, was to be regarded as revocable, at any moment, at the pleasure of the American Government, or whether it was proposed to give it the character of an obligatory and synallagmatic engagement. My idea certainly was to make it absolutely binding and obligatory upon the Government of the United States during the period which might be agreed upon for its continuance. But as the perpetual conventional establishment of a given rate of duty would be incompatible with that freedom of commercial regulation which all Governments ultimately reserve to themselves, it would be necessary, of course, to fix a term to the duration of the obligatory character of the arrangement. When your excellency considers the convictions entertained by the Government of the United States on the several points now in discussion between the two Governments, which I

have had the honor to express to you more fully, together with the grounds of them, in another communication, your excellency cannot fail to appreciate the true spirit in which this proposition has been made, or to see in it a signal proof of the friendly and liberal dispositions of the American Government.

I recognise with great pleasure the conciliatory sentiments your excellency is pleased to express. Such sentiments, corresponding with those which are so sincerely felt by the Government of the United States, cannot fail to remove the causes of complaint and dissatisfaction which have heretofore existed. Notwithstanding the painful disappointments of the past, the Government of the United States has never ceased to confide in the ultimate justice of his Majesty's councils. That confidence has been revived and strengthened in an especial degree by the declarations of your excellency, which it has been my duty, from time to time, to communicate to my Government; and it now awaits with anxiety the completion of our labors, as the harbinger of a thorough and cordial re-establishment of the ancient and friendly relations of the two Governments. The enlightened sense of justice which has been invariably manifested by your excellency in all the interviews I have had with you, and the noble and generous sentiments which I know to inhabit the breast of his Majesty, assure me that this expectation will not be disappointed.

I have the honor to be, &c. &c.

W. C. RIVES.

H. E. the PRINCE DE POLIGNAC, &c. &c. &c.

[TRANSLATION.]

PARIS, *June* 7, 1830.

SIR: The Prince de Polignac being unable, by reason of his numerous occupations, to have with you, so soon as he would have wished, the interview which you requested of him by your letter of the 1st instant, has charged me to beg you to communicate to me what you had to say to him. Except Wednesday and Saturday, I shall be at your disposal every other day of the week.

Accept the assurances, &c. &c. &c.

B'ON DEFFANDIS.

Mr. RIVES, &c. &c. &c.

Mr. Rives to Mr. Van Buren.

[No. 32.] PARIS, *June* 29, 1830.

SIR: I have the honor to enclose copies of two notes received from Prince Polignac since my last despatch, together with copies of my answers. These papers so fully explain themselves, that it is not necessary for me to add any remarks concerning them. Something seems to have been gained, at least in a virtual reinstatement of the negotiation, notwithstanding the demand made of a previous admission of the French construction of the Louisiana treaty. Nothing, however, can be more unfavorable to the effective prosecution of this negotiation than the circumstances of the present moment. The large majority against ministers returned by the arrondissement elections, which have just taken place, leaves no doubt of a corresponding result in the whole of the electoral operations. The Algerine expedition has met with so unexpected an opposition as to raise some apprehensions respecting the speedy and complete success which had been anticipated from it. These two subjects, and their consequences, so entirely occupy the Government as to suspend the current march of affairs. Indeed, the present state of things here is little short of an interregnum.

I have the honor to be, &c.

W. C. RIVES.

Hon. M. VAN BUREN,
Secretary of State.

[TRANSLATION.]

PARIS, *June* 15, 1830.

SIR: I received, on the 31st May, only, the letter you did me the honor to write me on the 26th of the same month, in reply to that which I had addressed to you some days before on the subject of the differences existing between France and the United States. You therein announce to me that you persist entirely in your opinion, and the manner in which you combat my arguments would be but too well adapted to make me apprehend the uselessness of a further discussion, if other circumstances did not allow the hope of a more favorable result. However that may be, and without intending, at this time, to recur to the details of the question, I must, in order not to seem to acquiesce in objections of which I am far from admitting the validity, offer you some observations on different passages of your letter.

You again lay it down as a fact, that the justice of the claims of the United States is incontestable and uncontested; that France has admitted the obligation to satisfy them, and that I myself have acknowledged it. Once more, sir: never has the King's Government pronounced itself to that effect. It may have expressed the opinion that several of those claims, provided a thorough examination should not alter their character, inspired some interest in an equitable point of view, but never has it acknowledged, nor can it have acknowledged, them to be founded on a positive and incontestable right. It has constantly held all decision on this point dependent upon a verification which had not yet taken place, which was an indispensable preliminary to it; and, on the other hand, it has thought itself justified in refusing to enter into the examination of a question so completely litigious, so long as you should not satisfy it on another question which, in its view, was not susceptible of any serious difficulty—that which relates to the execution of the eighth article of the treaty of cession of Louisiana.

You object that it is not natural that France should exact a complete satisfaction, such as an acknowledgment of the meaning she attaches to the article in question, as the price of her simple consent to examine the claims of the United States, and to admit such as might appear to her to be well founded. To this I will reply, that this alleged peculiarity results from the very nature of things: the claims of the United States comprehend a multitude of varying questions, which can only be decided separately, which render necessary a previous and detailed examination; the claim of France, on the contrary, embraces but one very simple question, which a single word can resolve. Until now, the Government of the United States has constantly declared that it rejected our claim: it would therefore have been truly idle to demand of it to examine it again, since a new examination, according to every appearance, and particularly to judge from the terms of your letter of March 27th, would again produce a negative answer. On the contrary far, our consent to discuss the claims of American subjects carries with it the presumption that we are disposed to admit them, at least in part. It suffices to say that we are in the alternative of exacting a previous acknowledgment of the right we claim, or of contenting ourselves, as the price of a real concession, with a promise illusive and altogether devoid of meaning. I could have conceived that the Government of the United States, in order to introduce some sort of equality into the positions of the two Governments, should have wished to stipulate, in acknowledging our right, that acknowledgment should be of no effect unless we consented to liquidate the legitimate credits of its subjects. Such a pretension, without, by a great deal, satisfying strict justice, would at least have presented itself in a specious manner, and the French Government might have taken it into consideration. But I repeat it, sir, the pre-

tended equality which you wish to make me see in a mutual engagement to examine the respective claims, would, in reality, constitute to our prejudice an enormous inequality. That is too evident for it to be possible to suppose that my predecessors ever entertained an opinion different from mine. If their expressions were less precise, less formal, it is because the issue was not so distinctly joined as now. Besides, the Government of the United States, in repelling, with an energy always increasing, the principle of our reclamation, has rendered more evident to us, every day, the inutility, and even insignificance, of a mere promise to examine.

I remark that you now revert to an argument which I did not think it necessary to notice in your first communications, not supposing that you attached any great importance to it. You say that the claim which we oppose to those of the United States has no relation to the latter: you seem, thence, to conclude that your Government would be justified in refusing to treat of them conjointly, and in deferring the discussion of the one until the others should be settled. I have, sir, but one thing to reply: if the United States have, in effect, such a right, France has it equally, and she also would be justified in exerting it conversely, that is, in demanding not only (as she does) the recognition of the right conferred upon her by the eighth article of the treaty of cession of Louisiana, but also (which she does not) the payment of the indemnities which are due to her for the deprivation of the right, for fifteen years, before examining the claims of the United States. From that moment, and if, as it is probable, neither Government would yield, no further negotiation would be possible. It may be boldly affirmed that a right, leading to such consequences, can belong to nobody. It is much more consistent with reason and equity that each, in rendering justice, should require, at the same time, satisfaction for its own complaints.

To place in a more prominent view the justice of the claims which you are charged to support, you state that the product of the confiscated property of the subjects of the United States was applied to the payment of expenses which otherwise would have fallen upon the French nation. I suppose, without the proof that such, in effect, was the appropriation of the product of the confiscations, as it generally is that of all that goes into the treasury; but I confess that I do not well understand how that circumstance can operate more especially in your favor, for there is no pecuniary claim in support of which it may not be invoked, and it can neither fortify nor weaken the validity of any claim whatsoever.

You repel the authority of the treaties concluded in 1814 and 1815, between France and the other European Powers; you remark that the United States cannot be bound by acts in which they did not participate. This observation would be conclusive, did it not rest upon an incorrect view of my meaning. I cited to you the treaties in question, only because your Government has repeatedly endeavored to take advantage of them, against us, in the present question: I wished to prove to you that they do not pronounce against us, as had been given to understand, but, on the contrary, in our favor. Without pretending to give them, with regard to the United States, an obligatory character, I thought as the Government at Washington had thought, that they constituted, at least, a precedent of respectable authority—the more so, as principles of public law, applied by victorious Powers, could not be suspected of excessive indulgence.

After having denied, in general terms, the inference from those treaties, you make the subsidiary objection that the position of the United States is essentially different from that of the Powers coalesced against France; that the losses sustained by the subjects of the former were a natural consequence of war, whilst the wrongs inflicted upon Americans were in violation of the law of nations. Not to enter, with respect to this, into a discussion which would demand a detailed examination of the claims themselves, I will beg you to observe that, if there was not war between the Imperial Government of France and the United States, there was, at least, a state of demi-hostility, arising both from the measures of France, and from the reprisals exercised by the Government at Washington—reprisals which, far more contrary to public law than the acts which occasioned them, might be regarded by us as signally impairing the principle of the claims raised by the United States. Whether those reprisals, however, have or have not compensated completely for the result of the acts which they were intended to repress, is a circumstance which in nothing alters the state of the question; and what I wish particularly to establish, is, that the position of the United States towards us has more analogy than you suppose with that in which we stood, in 1814 and 1815, towards the allies.

As a final objection on the subject of the treaties made at that period, you quote to me the additional articles concluded with England, the 30th May, 1814; the treaty of 20th July with Spain; the convention relating to the spoliation of the Bank of Hamburg, &c. You thence conclude that I was mistaken in affirming that the claims which we then acknowledged had no analogy with those now presented by the United States. I might remark to you that this want of analogy still exists, at least in some of the examples of which you remind me; but, without pausing upon collateral points, I will content myself with observing that, when I adduced the treaties of Paris, I had in view the general treaties—the only ones which can be considered as fixing principles of public law, since they alone were common to all the Powers; for the private stipulations exacted in favor of certain States, and contained either in additional articles or in special conventions, must evidently be considered as so many exceptions, extorted by force of arms, or the dominion of circumstances, and which only serve to confirm the rule.

You then pass, sir, to what concerns the meaning we attach to the eighth article of the treaty of cession of Louisiana. Permit me, in the first place, to observe to you, that we do not interpret that article; we appeal to the text itself. It is the Government of the United States that is obliged to comment upon it at great length, in order to extract the signification which it gives it. This observation answers the astonishment you manifest to me, repeatedly, at the right of interpretation alleged to be reserved by us to the exclusion of the United States. That reproach could be justly addressed only to the Federal Government. We limit ourselves to repelling its interpretation, for the reason that the text, perfectly clear, needs none, and that it is contrary to all the principles of the matter to pretend to interpret a stipulation, the terms of which present a single and precise meaning. After this preliminary objection, I will not repeat all that I have already had the honor to submit to you on this important subject, in my letter of the 20th May. I think I have anticipated most of the arguments which you now offer; and, in the state which the discussion has reached, it would be more than superfluous to refute them over again. You yourself admit, moreover, that the eighth article of the treaty of cession of Louisiana, interpreted in your sense, would, in reality, offer us no advantage: you add only that there might occur a state of things in which it would offer us real benefits. I leave you to judge whether, from a general view of circumstances; from the maxims of political economy professed in the United States, the change which you suggest has the slightest probability; and whether, therefore, it is natural to presume that negotiators can have had the puerility to stipulate a clause which, except in some all but impossible event, was to be entirely devoid of meaning.

You quote to me the second article of the first treaty

concluded between France and the United States, at the period of the foundation of the American republic. That article provided that France should enjoy all favors granted by the United States to other nations freely, if the concession was freely made, and, if it was conditional, for the same compensation. From this you infer that the eighth article of the treaty of cession of Louisiana must be understood with this restriction. Just the reverse: the single fact that it is omitted in the latter treaty, while it is found in an analogous and antecedent act, removes even the slightest possibility of supposing it to be understood, and this inference is not one of the least proofs in support of our opinion.

You remind me that the convention relating to the cession of Louisiana, and to the rights which France reserved to herself there, is not the same as that which fixed the pecuniary indemnity stipulated in our favor. It would follow, according to you, from this circumstance, that the advantages, whatever they may be, granted to us by the eighth article, do not form an integral part of the price of the cession. I do not comprehend, I confess, such a distinction: the eighth article does not, it is true, form a part of the treaty relating to the indemnity in money, but it forms a part of the treaty of cession, and to annul it is to annul also the article which stipulates the cession itself; for you will agree with me that one of the contracting parties cannot rescind a treaty in order to retain what is favorable to itself, and reject what is unfavorable; and the passage which you cite on this subject, from a work published by Mr. Barbé Marbois, seems to me to be totally immaterial to the question.

As to the argument you draw from the amount of the pecuniary indemnity paid for the cession of Louisiana, an amount so much greater, according to you, than the proper price of that cession, that it cannot be supposed to have been necessary to add to it further advantages, I shall not undertake to calculate the value of that beautiful region; I will not inquire whether the United States are disposed or not to consider as advantageous the treaty which gave it to them; whether they would consent to annul that treaty, if that were possible: I will only say that, even if it did grant us excessive advantages, which I am far from allowing, that would not be a reason for taking them away from us if they flowed, like that which we claim, from its express provisions.

I will not push further the discussion of the passages of your letter which have appeared to me susceptible of refutation. Many others also might furnish ground for observations on my part, but I have thought it sufficient to combat those which tended to accuse of inconsistency and contradiction the course pursued by France in this prolonged negotiation. I think I have completely vindicated, in that respect, the policy of the King's Government. I am anxious for the time, sir, when we may both advance frankly in a direction better suited to lead to an accommodation, and with great reluctance only would I return to a system of reproaches and recriminations, of which the only possible result is to remove further and further the end we are both equally solicitous to attain. You are too enlightened not to feel that, if it is possible for each of our two Governments to find, in the numerous papers of a correspondence of thirteen years' duration, the means of embarrassing its adversary, of entrapping him, to a certain extent, in his own words, such a triumph would be as little glorious as it would be useless to the success of our claims. I do not fear such a contest; I will sustain it, if I must; but I prefer to hope that a new direction given to a negotiation heretofore so fruitless, will enable us to labor more effectually to satisfy the interests confided to us.

Accept the assurances, &c.

LE PRINCE DE POLIGNAC.

Mr. Rives, &c. &c. &c. &c.

[TRANSLATION.—PRIVATE.]

Paris, *June* 15, 1830.

Sir: I have received the private letter you did me the honor to write me the 2d instant. In clearing up the doubts which had arisen in my mind relatively to the proposition you have made to me with the view of compromising the differences existing between the two Governments, it has put it in my power to examine it in all the aspects it presents; and although that examination necessarily demands much research, and the verification of numerous documents, I hope to be able, some time hence, to let you know its result. I take pleasure in expressing to you at once the lively satisfaction produced in me by the loyal and conciliatory sentiments you exhibit, and which are so conformable to those by which the King's Government itself is animated.

Accept the assurances, &c. &c.

LE PRINCE DE POLIGNAC.

Mr. Rives, &c. &c. &c. &c.

Paris, *June* 25, 1830.

Monsieur le Prince: I had the honor to receive, on the 19th instant, the letter which your excellency addressed to me under the date of the 15th. I have considered, with the most respectful attention, the additional observations which your excellency there presents to me on the several points in discussion between us, and have still to regret that I find myself unable to concur in the views expressed by your excellency.

Your excellency first offers a series of arguments for the purpose of showing that France is entitled to demand of the United States the admission of the claim asserted by her under the eighth article of the Louisiana treaty, as the condition of any examination of the American claims. This condition, so contrary to the usual course and true ends of negotiation, is alleged to result, in the present instance, from the nature of things, inasmuch as the American reclamations are complex in their character, requiring an examination of details, while the claim of France is simple, which a single word would suffice to resolve. Without stopping to compare the claims of the two Governments in this respect, I will only remark that I cannot perceive, in the simplicity of a demand, an adequate reason for its acknowledgment, as demands the most inadmissible in principle are often, and indeed generally, the most simple and absolute in form.

Your excellency next remarks, that, as an examination of the American claims would involve an admission of them, in part at least, while an examination of the claim of France, under her construction of the Louisiana treaty, would probably terminate in its rejection, a mutual engagement of the two Governments to examine, at the same time, their respective pretensions, would be attended with a real inequality to the disadvantage of France. If such should be the result of an examination, I know no other means of explaining it, but the difference existing in the intrinsic character of the pretensions themselves, and an inequality of that sort, created by the immutable principles of reason and justice, cannot be remedied by any arrangement of diplomacy.

Your excellency suggests that the Government of the United States might have been expected, at least, to make a contingent admission of the claim asserted by France, under the Louisiana treaty, to be binding only in the event of an adjustment of the American claims by the Government of France. This suggestion proceeds upon a misapprehension of the true spirit of the objections urged by the United States. The Government of the United States would, at once, admit the construction put by France upon the eighth article of the Louisiana treaty, if it could persuade itself that that construction was correct, without seeking to connect with it any condition or stipu-

lation for its own benefit. It will never demand a price for admitting a claim which it believes to be just in itself. But being convinced, after the most anxious and candid search of the true meaning of the article in question, that the construction put upon it by the Government of France is not correct, it does not perceive with what reason it can be required to assent to that construction as the sole condition upon which it can obtain justice for the wrongs of its citizens.

Your excellency seems to labor under a like misapprehension of what has been said by the Government of the United States respecting the want of connexion between these two subjects, and the unreasonableness of making one an offset to the other. Deducing from thence the supposition that the Government of the United States considers itself entitled to refuse a discussion of the claim of France, under the Louisiana treaty, until its own claims for indemnities should be first resolved, your excellency remarks that, if such a right exists for the United States, it belongs equally to France; that France, in the exercise of it, might demand, not only the acknowledgment, but the satisfaction of her claim, before she would consent to examine the reclamations of the United States; that, if neither Government should yield, as is probable, no negotiation would be possible; and that it may be boldly affirmed that a right leading to such consequences can exist for no one. I will first remark that your excellency is entirely mistaken in imputing such a pretension to the Government of the United States. Its whole procedure has been altogether different. When the reclamation of France, founded on her construction of the eighth article of the Louisiana treaty, was presented to the American Government at Washington, it did not refuse (whatever sanction the example of the Government of France might have afforded it in doing so) to consider that reclamation, until its own reclamations were first acknowledged; but without any reference to that subject, it promptly entered into an examination of the pretension brought forward on the part of France, candidly discussed all the arguments adduced in support of it, and has ever since been willing to renew the discussion in the same manner, and in a spirit of perfect candor and good faith, whenever the Government of France should desire it. While such has been the procedure of the Government of the United States, the Government of France has, in effect, adopted that very course which your excellency says could be justified only as a retaliation of a similar pretension on the part of the United States; and the consequence which your excellency justly invokes as demonstrating the absolute nullity of any pretension that would lead to it, now results from the sole pretension of France herself; for what could more completely destroy the possibility of any negotiation, than to demand the preliminary admission of the truth of a proposition, (unconnected, too, with the real subject of negotiation,) which one of the parties had invariably believed to be unfounded and inadmissible?

Having answered, satisfactorily, I trust, the observations made by your excellency to justify the position recently assumed on the part of his Majesty's Government with regard to the incipient terms of negotiation, I will not reiterate what I have already had the honor to address to your excellency in a late communication respecting the true nature and character of that position. The views there expressed coincide too plainly with the spontaneous dictates of justice, to require to be urged on the acknowledged loyalty of his Majesty's Government. Not doubting the result of a candid exercise of that loyalty on the present question, I pass to what your excellency is pleased to say concerning the reclamations themselves, which form the objects of negotiation.

Your excellency first informs me that his Majesty's Government has never, in any manner, recognised the justice of any part of the American reclamations; but that it has always held its opinion, on that point, dependent on the result of a verification which has never yet taken place. If this be the case, the Government of the United States has been laboring under a great delusion. It certainly had flattered itself that its long and patient representations, though they had hitherto failed to be crowned by that final and practical success to which they were entitled, had not been altogether fruitless in impressing his Majesty's Government with the justice of the reclamations which formed the subject of them. This belief was derived from repeated and explicit declarations of his Majesty's ministers, which, though falling far short of the just claims of our citizens, unequivocally admitted the justice of several classes of those claims, and authorized the hope that all of them, intrinsically founded in the same principles of justice, would ultimately receive the same measure of redress. I need not detail those declarations here, as your excellency will find many of them, particularly those of the Duke de Richelieu, the Viscount de Montmorency, and Monsieur Villele, briefly recapitulated in a letter addressed to my predecessor, on the 19th of December, 1827, to his excellency Baron de Damas, then his Majesty's Secretary of State for Foreign Affairs, which is presumed, of course, to be among the archives of your department. To what extent I supposed your excellency to have recognised the justice of these reclamations, sufficiently appears from the note I had the honor to address to your excellency on the 17th of February last, which, if it had inaccurately stated the result of the repeated discussions that had taken place between your excellency and myself, would have been followed, it was to be presumed, by a prompt correction.

However discouraging it may be to the Government of the United States, after all that has passed, to learn that no progress has yet been made in convincing his Majesty's Government of the justice of the reclamations in question, such is its confidence both in the honorable and enlightened spirit of his Majesty's councils, and in the merits of the reclamations themselves, that it cannot doubt for a moment the ultimate and entire conviction of his Majesty's Government on this point. In regard to the general question of a subsisting responsibility for the acts of the former Government of France, this is so clearly founded on the acknowledged maxims of public law, the usage of nations, and the repeated recognition of the principle by his Majesty's Government itself, both in its foreign and domestic transactions, that it cannot be necessary to discuss such a question with one so intimately acquainted with all these considerations as your excellency is; and, indeed, the observations contained in your excellency's letter, bearing, as they do, much more on the details than the principle of our reclamations, assure me that such a discussion would be altogether superfluous.

In the note I had the honor to address to your excellency on the 26th of the last month, I took occasion to remark that the responsibility created by the maxims of public law for the wrongs committed upon our citizens by the former Government of France, was enforced, at the same time, by considerations of natural equity, because the nation and the present Government of France had received and still enjoyed the benefit of those wrongs in a corresponding diminution of the public charges, the place of which had been supplied by the proceeds of the property taken from our citizens. Your excellency, admitting the fact, remarks, that you do not perceive in what manner it strengthens the American reclamations, as there is no claim of pecuniary indemnity in support of which it may not be equally alleged. This remark of your excellency, however, seems not to have been duly considered, for cases may occur, and have occurred, in which property wrested from its owners by the violence of a lawless Government, has, in no manner, contributed

to lessen the burdens of the nation by whose Government the act was committed. In these cases, the obligation of the succeeding Government to repair the wrong, though not less clear according to the established principles of public law, may sometimes present an appearance of hardship. When the nation, however, has received, and still enjoys the benefit of the property taken, all the appearance of hardship ceases, and the reparation demanded is not so much an indemnity as a simple act of restitution, the refusal of which would be equivalent to the original perpetration of the wrong.

Your excellency, in referring again to the treaties of 1814 and 1815, says, that you had not cited them as obligatory upon the United States, but only as a precedent of respectable authority. Taken with the qualifications which a difference of circumstances necessarily imposes, the Government of the United States is far from declining the application of this precedent. On the contrary, the principle of it gives conclusive support to our reclamations. In the note which I had lately the honor to address to your excellency, I stated the difference of circumstances which rendered the particular rules of those treaties inapplicable to the United States, but the fundamental principle of responsibility for the acts of the preceding Government of France, which is recognised and established by those treaties, applies with all its force in favor of the reclamations of the United States. On the same principle that the present Government of France is responsible for the contracts of the preceding Government in the case of belligerents, is it liable for the trespasses of that Government on the property of neutrals. The history, as well as the particular dispositions of the treaties of Paris, prove that violent and forcible wrongs were not, in general, comprehended in those treaties among the acts of the preceding Government, for which the restored Government was made responsible, because injuries of that description, in the case of belligerents, were considered as calamities of war, and the natural consequence of the position in which the contracting Powers stood to each other. In that view, they would not have constituted a subject of reclamation against the preceding Government itself, and, of course, not against the restored Government. The property of neutrals, however, being lawfully exempt from all violence, any forcible invasion of that property by the preceding Government, constituted, at least, as strong a subject of reclamation against the present Government of France, the general principle of responsibility being once established, as any contracts of the preceding Government with the subjects of belligerents.

Your excellency seems to admit the justness of this conclusion, in endeavoring to show, by a statement which, I must confess, has altogether surprised me, that the United States cannot claim the character of neutrals in regard to the Imperial Government of France. Your excellency remarks that, if there was not war between them, there was a state of demi-hostility at least, resulting, at once, from the measures taken by France, and the reprisals exercised by the Government of the United States; reprisals, your excellency adds, much more contrary to the principles of public law than the acts which had occasioned them. I cannot suppose your excellency to be unacquainted with the outrageous character of the measures of the Imperial Government, which, in violation of the acknowledged principles of public law and the faith of treaties, sunk and burnt our unoffending vessels on the high seas, arrested and captured the lawful commerce of our citizens on the same element, or seized and confiscated their property in the ports of France. What, then, was the character of those measures adopted by the Government of the United States, which your excellency says were still more contrary to the principles of public law than this dark catalogue of outrages? First, an embargo laid on our own vessels to keep them from that theatre on which they were exposed to those licentious depredations; and, finally, a suspension of commercial intercourse with France—a measure equally extended to her enemy, England, who had, at the same time, violated the neutral rights of the United States, and accompanied with a proposition to both, that, whenever either of them should cease to violate those rights, the intercourse with that Power should be immediately renewed, while it should remain suspended with the other, if it did not likewise cease from its aggressions on our commerce. If, in the execution of this moderate and pacific, and unquestionably lawful system of measures, the property of a single French subject was ever confiscated or condemned, the fact has hitherto been unknown to the Government of the United States. In what circumstances, therefore, your excellency has found cause for this strong denunciation of the proceedings of the United States towards the Imperial Government of France, I am at a loss to know. If your excellency shall think proper to enter into that field of discussion, the Government of the United States will be, at all times, ready to vindicate the unquestionable legality of its own measures, as well as to demonstrate the iniquitous and unwarrantable character of the measures of the Imperial authority.

Before I leave this branch of the subject, I cannot avoid noticing an idea, which so frequently recurs in both of your excellency's recent communications, that I must suppose no small importance is attached to it. The stipulations of the treaties of Paris are represented as rigorous conditions imposed by victorious enemies, who, mistresses of France, had nothing but their own will to put bounds to their demands; and it seems to be implied that the great principle of responsibility for the acts of the preceding Government, which those stipulations acknowledged and established, was extorted by superior force, in opposition to the principles of justice and public law. It is not for me to judge how far this solution accords with the elevated spirit and noble pride of the French Government and nation on the one hand, or with the consideration due to the conduct and motives of his Majesty's allies on the other. But I may be permitted to appeal to the nature of the transaction itself, and its attendant circumstances, as affording contrary presumptions of the strongest character. The allied sovereigns were not the enemies of the Government on which the fulfilment of these national obligations devolved. The war which they prosecuted was made exclusively, in the terms of their own declaration, "against Bonaparte and his adherents." They were the friends and allies of the restored Government, and came into France expressly for the purpose of re-establishing it. They felt and declared that it "was necessary to the peace and happiness of Europe, that France, under her legitimate kings, should be great and powerful." Under the influence of such interests, their transactions with the restored Government could have been in no other spirit than one of lenity and indulgence, falling short of, instead of transcending, the limits of strict right; and whatever exceptions might be taken to principles acknowledged between parties, treating under such circumstances, as precedents applicable to others, an excess of rigor never can be objected.

I will now follow your excellency in the observations you have made on the construction of the eighth article of the Louisiana treaty. Your excellency first remarks, in answer to the surprise I had testified at the exclusive right of interpretation which France seems to claim, that the Government of France does not interpret the article in question; that it invokes its text; that it is the Government of the United States which comments upon it, for the purpose of enforcing the signification it gives it, and thus, contrary to all the principles of the subject, seeks to interpret that which, being sufficiently clear and precise

in itself, requires no interpretation. But I cannot perceive how this remark removes the objection. The Government of the United States also invokes the text of the article in question: it contends for the true meaning of that text, which it, too, considers perfectly clear and precise; and if it has supported its exposition by some very obvious reasons, while France may be content merely to assert hers without any, it is not perceived that the correctness of its exposition, or its equal right to judge of the true meaning of the text, is, for that reason, the more questionable. But the truth is, that France does not deny, but impliedly admits, the meaning attributed to the text by the Government of the United States, when she puts the whole force of her argument in the simple assertion of fact that the compensation which the United States allege to be required by the true meaning of the text, in the case of a conditional grant of commercial favors, has been actually paid in advance by France. What little foundation there is for that argument, I have elsewhere endeavored to show.

Your excellency next remarks, that I agree, myself, that the article in question, interpreted in our sense, would not offer any real advantage to France; that I only say that there might happen a state of things in which it would present a real advantage. And your excellency then appeals to me to say, whether, according to the principles of political economy professed in the United States, that state of things is at all likely to occur, and if it is natural to presume that negotiators would have had the puerility to stipulate a clause which, except in an event almost impossible, would be altogether unmeaning. Your excellency, however, is mistaken in saying that I had agreed that the eighth article of the Louisiana treaty, interpreted in our sense, offers no real advantage to France. On the contrary, I endeavored to show that it offers, at all times, a substantial and important advantage to France in obliging the United States to extend commercial favors to her, which it is purely optional with them to extend or not to other nations. The advantage is not the less real because the United States, according to their present system of commercial policy, make no discriminations among the nations with whom they trade. What other nations enjoy precariously, by courtesy, and for the moment, France holds securely by right, and forever. Your excellency appeals to me to say whether it is at all probable that the present system of commercial policy of the United States will be changed. To this I can only answer, that the system of general reciprocity was never established by law in the United States until the year 1815, twelve years subsequent to the date of the Louisiana treaty; that it is subject to be modified or revoked at any moment by the will of the National Legislature; and that I can well conceive many cases in which it may be both the will and the interest of the nation to grant commercial facilities and advantages to one Power, and withhold them from another. With regard to the views of the negotiators, I am far from seeing any puerility in stipulating for the permanent and indefeasible enjoyment, through all future time, of a favorable basis of commercial intercourse, which would otherwise have been subject to all the modifications and vicissitudes that the unrestrained will or accidental policy of a foreign Government might introduce. At all events, as the negotiators of the treaty of 1803 can hardly be supposed to have foreseen the adoption of a general reciprocity system in the United States in 1815, I can perceive no more ground for ascribing puerility to them in the stipulation of a clause such as the eighth article of the Louisiana treaty is understood by the United States to be, than to the negotiators of the treaty of 1778, in stipulating the second article of that treaty, which, on its face, is explicitly explained in the sense which your excellency pronounces to be unmeaning.

Your excellency says that, as the explanatory clause which accompanies the second article of the treaty of 1778 is not contained in the eighth article of the treaty of 1803, it is to be inferred from its omission that the parties had a different meaning. But I would ask your excellency if it is not more reasonable to suppose that the two nations having, in their first treaty, for greater certainty, explained what they intended by the stipulation of being placed on the footing of the most favored nation, it was thenceforward deemed unnecessary to repeat the explanatory words, and that stipulations of a similar nature would be always understood by them in the same sense, without the definition already given, especially as the terms themselves, though general, intrinsically carried the same and no other meaning. Accordingly, in every subsequent commercial arrangement between the two countries, though several of them have contained similar stipulations, which, there can be no doubt, were meant, and have always been understood, in the same sense, the explanatory words have been invariably omitted. This natural and reasonable supposition is in strict conformity to a rule of interpretation laid down by one of the highest authorities on such subjects, (Vattel, Law of Nations, book ii, chap. xvii, sec. 284,) where it is said, that if two contracting parties have, in a former treaty, "clearly shown their intention with respect to any thing, we ought to give the same sense to what they may have said more generally or obscurely, in a posterior treaty, on the same affair."

Your excellency seems not to have apprehended correctly the purpose for which I referred to the fact, that the conventions which fixed the price to be given for the cession of Louisiana were distinct from the treaty which contains the article under which the commercial advantages in question are claimed. The purpose was this: As if to swell those advantages to an importance beyond their obvious and natural dimensions, they had been often represented, on the part of France, as the principal part of the price given for the acquisition of Louisiana. This idea seemed to be very naturally repelled by the fact, that all which related to the equivalents for the cession was contained in instruments of which the clause in question formed no part; while it was found in another instrument, the object of which was merely to attest the cession, to arrange the transfer, and to regulate the future political and commercial condition of the territory. This separation of the instruments, and their respective subjects, appeared, moreover, from the testimony of one of the negotiators, to be the result of an express agreement of the negotiators, for reasons stated, to treat of the cession and the price of it separately, and to make of them distinct acts. In this state of things, if the commercial advantages in question had formed, as is alleged, a principal part of the price of the cession, would not the clause reserving them have found its place in the conventions which fixed the price, and not in the treaty of cession? It was with this simple and direct view that the reference in question was made, and not certainly from any idea that the clause is less sacred in the treaty of cession than it would be in the conventions, or with any expectation of giving rise to your excellency's remark, that to annul it would be to annul the cession; it being clear, your excellency adds, that one of the contracting parties cannot rescind so much of a treaty as is against it, maintaining that which is in its favor. Your excellency may rest assured that the Government of the United States has no disposition to rescind any of its obligations arising from this or any other treaty, though it has heretofore supposed that it had some right to judge what the real nature and extent of those obligations are.

I have but the same answer to make to another observation of your excellency on what I had said respecting the amount of the price actually obtained for Louisiana, which, according to the authentic authority just mention-

ed, was thirty millions of francs more than the sum deemed adequate by the vendor. From thence I drew the conclusion, that, when the Government of France had secured a price for this territory so much beyond its own estimate of its value, it was not very probable that it should endeavor still further to enhance that price in the shape of extraordinary commercial exactions, which are believed to be wholly unwarranted by the language of the treaty. Your excellency, however, remarks that, if the treaty had granted excessive advantages to France, this would be no reason for depriving her of them. This is readily admitted. The question, however, always recurs, have the advantages claimed been really granted? And, on that question, the Government of the United States considers itself entitled to an opinion, which it has formed after the most careful investigation, and supported by proofs which it believes have not yet been confuted.

The sentiments expressed in the close of your excellency's communication are reciprocated with an entire and hearty concurrence. Nothing can be more remote from the wishes of the Government of the United States than to enter into a system of reproach and recrimination. It would be as unbecoming its own character as inconsistent with the respect which it sincerely entertains for that of his Majesty's Government. The language of reproach, therefore, it never has, and never will employ. If, at any time, it has dwelt with earnestness on particular facts, which seemed to carry in themselves a sentence of reproach, it has always been with reluctance, and only in reply to observations made on behalf of his Majesty's Government, of a tone and character so strongly marked as to render it impossible to pass them in silence. I learn, therefore, with sincere satisfaction, that, so far as depends on your excellency, there will be no further occasion for unpleasant discussion; and that your excellency sincerely wishes for the time when we may advance in ways better calculated to lead to accommodation.

I may be permitted to add, that the time has arrived when all the important interests involved in a cordial good understanding of the two Governments impressively demand a settlement of the existing subject of discussion. I need not remind your excellency how long and how patiently the Government of the United States has sought redress for the flagrant and multiplied wrongs inflicted upon its citizens by the authorities of France; how frequently that redress has been postponed from collateral considerations, unconnected with the merits of the reclamations themselves; how all these alleged causes of postponement had successively disappeared, one after another, when a new and unexpected obstacle was interposed in a subject of controversy, on the part of France, wholly foreign, both in its origin and principles, to the reclamations of the United States, and in regard to which the two Governments had constantly differed in opinion after thorough and repeated discussions. The Government of the United States, unable to perceive any possible connexion between the two subjects, and believing that each should be decided independently on its own merits, refused for a time, as it was well justified in doing, to blend them in the same negotiation. At length, however, from deference to the wishes of his Majesty's Government, and with an anxious desire to terminate, if possible, all differences between the two Governments, a blended discussion of the two subjects has taken place. What effect may be produced on the opinions of his Majesty's Government by the additional views I have had the honor to express to your excellency in this communication, I cannot, of course, know, but, as yet, no change appears to have been produced on either side. Is this difference of opinion on a foreign and irrelevant question, should it unfortunately continue, forever to obstruct the redress due for the unquestionable wrongs of our citizens? Though the Government of the United States has become more and more convinced, by each renewed discussion, of the correctness of its construction of the eighth article of the Louisiana treaty, it has, for the sake of conciliation, and to afford his Majesty's Government a decisive proof, both of the sincerity of its convictions, and of the equity of its dispositions, proposed to refer this question to the decision of impartial and enlightened arbiters. It certainly cannot be expected to do more towards an accommodation which shall finally settle all the subjects of discussion between the two Governments. The rest depends on his Majesty's Government alone; and the Government of the United States feels a thorough confidence that the result will answer to that character of loyalty and justice which has so eminently distinguished his Majesty's Government in all other transactions.

I pray your excellency to accept the assurances of the high consideration with which I have the honor to be, your excellency's most humble and most obedient servant,

W. C. RIVES.

His exc'y the P'ce de Polignac, &c. &c. &c. &c.

Paris, *June* 25, 1830.

Monsieur le Prince: I have received the private note which your excellency did me the honor to write to me under the date of the 15th instant, and lost no time in communicating it to my Government, by whom it will be received with lively satisfaction, as renewing the prospect of an early and happy solution of existing differences. This alone is wanting to place the relations of the two countries, in every respect, on the most beneficial footing, and to develop, to the fullest extent, the cordial and friendly dispositions which the Government of the United States so sincerely cherishes towards that of his Majesty. I need not assure your excellency with what pleasure I shall co-operate with your excellency in a work which promises to lead to results so desirable for both countries. Understanding it to be your excellency's intention to present the result of your views on the whole subject of negotiation in the form of a projet of a treaty answering to that which I had the honor to hand you in the month of March last, I will merely add that that mode appears to me, as to yourself, best calculated to lead to a precise and practical conclusion.

I pray your excellency to accept the renewed assurances of my most distinguished consideration.

W. C. RIVES.

His excellency the Prince de Polignac,
&c. &c. &c.

Mr. Rives to Mr. Van Buren.

[No. 36.] Paris, *July* 17, 1830.

Sir: Notwithstanding the many discouragements I have experienced, and the obstacles opposed to an effective prosecution of the negotiation for indemnities, I have continued to employ every effort in my power to stimulate the attention of the French Government to the subject, and to bring it to some practical result. On the 3d instant, I called on Baron Deffandis for the purpose of ascertaining more precisely when I might expect to receive the projet of a treaty they had promised to send me. He had told me, in a former interview, that they would send it to me in the course of the present month; but, on this occasion, he said that Count Beugnot, the President of the Bureau of Commerce, with whom the minister wished to consult before he sent me his projet, had gone to the country to attend the elections; that he would not return until towards the end of the month; and that, therefore, the projet could not be sent to me till some time in the month of August. I observed to him that this delay was unexpected and discouraging, and that I hoped it would be avoided, if possible, as a question so fruitful of irrita-

tion and discontent in the relations of the two countries ought not to remain longer unsettled. To this he answered by general promises to mature the business for a final decision as soon as possible.

The minister having promised, in one of my interviews with him, to communicate to me the report of the commission he had charged with the examination of our claims, I availed myself of this occasion to mention to Baron Deffandis the promise of the minister, and added that, as the commission had advised against the payment of our claims, it seemed to be but fair to afford us an opportunity of meeting the views and facts on which that advice had been founded. He replied that the report of the commission was not at all in form, having been drawn up hastily; that it was a confidential paper; and that the minister, not having yet had an opportunity of reading it, could not have formed a full estimate of these considerations. I did not feel myself authorized to press the request, nor did I, indeed, consider it very important. The manner of declining it, however, led me to believe, what I had already suspected, that, however adverse, practically, the report was to the payment of our claims, it admitted principles which ought to have led to a different conclusion.

Wishing to keep the subject alive and in progress, if possible, in the mind of the minister, as well as in that of his under-secretary, and believing that the capture of Algiers (the intelligence of which arrived here on the 9th instant, but too late to be communicated to you by the packet of the 10th) was likely to give rise to some questions with foreign Powers, and England particularly, which would make it the more important to France to conciliate the friendship of the United States, I obtained an interview with the minister on the 12th instant. Without referring, in express terms, to the Algerine question, I endeavored to intimate to him, with sufficient intelligibility, that the friendship of the United States might become of very high importance to France; that the question of indemnities for past wrongs, however, involving as it did the primary considerations of national honor and justice, was now at the root of all the relations between the two countries; that, till that question was settled, there could be no cordial good understanding between them; that, on the contrary, a continued refusal of France to do us justice must be expected to lead to an interruption, in some form or other, of the beneficial relations yet subsisting; and that thus two nations which, in their natural circumstances and position, had every motive to cultivate friendship with each other, might become not only alienated in sentiment, but hostile in fact. This appeal, though made with all the directness and freedom which the tone of respectful representation admitted, did not produce the effect I had hoped from it under existing circumstances. The minister, while professing, as usual, the most friendly dispositions towards the United States, recurred to the position heretofore taken respecting the Louisiana pretension, and said it would be impossible for France to pay the claims of the United States for indemnities, unless the United States would at the same time satisfy her claim under the Louisiana treaty.

I remarked that, after the promise he had made me to send me the projet of a treaty, I was not at all prepared for this inflexible adherence, on his part, to the Louisiana pretension. He said they were now engaged in preparing the projet he had promised to send me, but, to be candid with me, that projet would be founded either on an express recognition of the Louisiana claim, or the substitution of some other advantage of like perpetuity. I told him that a projet of that sort never could be acceded to, and could be viewed by us, indeed, in no other light than a virtual and final refusal of our just demands. The interview, however, terminated with the understanding that a projet should be sent to me as soon as practicable, that it might be seen whether any thing could be made of it.

It was perfectly apparent to me, throughout the whole of this conversation, that the mind of the minister had been, and was still so occupied with other questions more nearly affecting him, that he had not recently bestowed any attention on the subject of our claims. I determined, therefore, to call again on Baron Deffandis, which I did on the 14th instant. I told him that the Prince de Polignac, in a conversation I had had with him two days before, had surprised me very much by informing me that it was intended, in the projet of a treaty which they had promised to send me, still to insist on a full acknowledgment of the Louisiana pretension, or the grant, in lieu of it, of some privilege of equal duration; that I had been induced to hope that the projet they had promised to send me might be the means of leading to an adjustment of existing difficulties; that a projet of the character mentioned, however, could have no such effect, and would, indeed, be altogether illusory; that, in this state of things, it became the more important to have their projet as speedily as possible, that we might see if it afforded any real prospect of an adjustment, the object of my Government being to know truly the final determination of his Majesty's Government with regard to claims which had now been pending for twenty years. Baron Deffandis, in reply, intimated that the minister had been so much occupied with other very weighty matters, that he could not be supposed to be conversant with all the details of this, and promised me that, within a very few days after the return of Count Beugnot to Paris, which was now expected about the 25th of the month, they would send me their projet, and added, that he hoped it would be the means of an arrangement.

The capture of Algiers, as I have already mentioned, is likely, I think, to give rise to questions which ought to render the Government of France very desirous to secure the friendship of the United States. Whatever may have been the diplomatic declarations of the French Government, the feelings of the French nation are decidedly in favor of keeping their conquest, and founding a colonial establishment there. England is very much opposed to this permanent occupation by France, and Russia not disposed to favor it. It is said, and I believe truly, that the Minister of Foreign Affairs had verbally declared to the representatives of the European Powers supposed to be principally interested, that it was not the intention of France to keep permanent possession of Algiers in the event of its conquest. No such declaration, however, was made in writing. At the time of the sailing of the expedition, a circular was addressed to the representatives of the great Powers, as they are called—Russia, Austria, Prussia, and England—informing them that, if Algiers should be taken, its ulterior destiny should be made the subject of diplomatic conferences here, and requesting them to obtain instructions from their respective Courts with reference to that contingency. Further than this, the Government of France does not probably consider itself committed to foreign Powers. In this state of things, I have been glad to perceive that considerable anxiety is felt, in several quarters, to know what will be the views of the Government of the United States on the subject. Lord Stewart, the British ambassador, has, in two or three conversations with me, discovered great solicitude respecting our course of policy in the question. Although Prince Polignac has never mentioned the subject to me, his under-secretary, Baron Bois le Courte, having charge of what is called the first division of the Department of Foreign Affairs, has expressed a lively desire to know the views of the Government of the United States in relation to it, and informed me that a despatch had been sent to Count de Menou, as long ago as March, instructing him to make a communication to you upon the subject. To all these inquiries my answer has been guarded and brief, saying but little more than that I had not yet received any instructions from my Government on the subject.

You will perceive that my absence from the Te Deum in celebration of the taking of Algiers, was made the subject of a newspaper paragraph here. Having reason to believe that this was the result of a diplomatic manoeuvre, intended to excite an unfriendly feeling at court towards the Government of the United States, to lead to a rejection of our claims, and thereby produce a breach between France and the United States, which, in the present crisis, might be turned to the account of other parties, I had an unceremonious interview on the following morning with the Prince de Polignac, in which I called his attention to this article; told him it was equally unjust to my Government and to myself; that no person had more sincerely rejoiced in the glorious success of the French arms than I had done; that the efforts so constantly employed by my Government to repress and chastise piracy every where, as well as the friendly sentiments it had always entertained towards his Majesty's Government, assured me that, both for the sake of humanity, and as a glorious illustration of his Majesty's reign, no Government would more sincerely sympathize with his Majesty in the brilliant success of his noble enterprise than the Government of the United States; and begged him to take occasion to intercept or remove from his Majesty's mind the injurious impressions which the statement in question was calculated to make. He received this explanation in the most cordial manner, and assured me that he would take great pleasure in counteracting a statement which it needed no assurances to convince him was altogether unjust. In making this explanation, which, under existing circumstances, seemed to be a matter of prudence at least, I took especial care not to go beyond the exigencies of the occasion, and observed to the Prince that, in expressing these sentiments as to the happy and glorious termination of the expedition, I did not wish to be understood as saying any thing in regard to ulterior questions, upon which I had yet received no instructions from my Government. The real cause of my absence from the Te Deum was an indisposition which confined me to my bed for the greater part of the day, connected with a belief that it was a matter of entire indifference whether I was there or not—an opinion confirmed by learning since that several other members of the diplomatic corps were also absent.

You will perceive from the accompanying gazettes that the new elections, which are now nearly completed, leave no doubt of a powerful and increased majority against ministers in the Chamber of Deputies. No indication, however, is yet given of any intention on their part to retire.

I have the honor to be, &c.

W. C. RIVES.

Hon. M. Van Buren, *Secretary of State.*

Mr. Rives to Mr. Van Buren.

[No. 37.] Paris, *July* 30, 1830.

Sir: I enclose the copy of a letter which I addressed to Prince Polignac on the 23d instant. Believing that a disposition was really felt, from whatever cause, to cultivate friendly relations with the United States, I thought it important to intimate to him, as intelligibly as I could, that the preservation of those relations must depend on a prompt adjustment of the reclamations which had been so long pending; and that no plan of adjustment would be favorably received, unless it held out the prospect of a fair and substantial indemnity, unclogged with exceptionable conditions. I have every reason to think, not only from my late conversations with Baron Deffandis, who seemed to have the whole subject exclusively in his own hands, but also from other information on which I could rely, that a projet of that character would have been sent to me, and that a final and satisfactory adjustment of this disagreeable subject would be completed in a few weeks; indeed, among those connected with the ministry of Foreign Affairs, the question was spoken of as already settled.

But these prospects have, for the present, ceased, by consequence of one of the most wonderful revolutions which have ever occurred in the history of the world. At this moment the tri-colored flag waves over the palace of the Tuilleries, and the city of Paris, after passing through three days of commotion and bloodshed, is now as tranquil, under its Provisional Government, as I have ever seen it under the royal authority. The King, who, with all his ministers, remained at St. Cloud during the troubles here, has, it is said, abandoned St. Cloud, and taken the route of the Netherlands. The whole of his toops stationed at Paris, amounting to thirty thousand, have, after sustaining severe losses from the heroic and enthusiastic onsets of the people, either been driven out of the city, or joined the standard of their fellow-citizens.

The cause of this sudden and wonderful revolution is to be found in certain ordonnances of the King, which, amid the prevailing expectation of a meeting of the Chambers on the 3d day of August, announced the dissolution of the new Chamber of Deputies, made radical changes in the system of elections, (depriving three-fourths of the electors of the right of suffrage, abolishing the secret vote, and reducing the number of deputies from 430 to 258,) and at the same time suspended the liberty of the press, and suppressed all the journals of the opposition. These ordonnances took the nation by surprise. The public mind had, some time before, been disquieted by rumors of unconstitutional measures meditated by the ministers; but for several days past this uneasiness had given way to the declarations of the ministerial gazettes, and to the known fact that the usual letters had been addressed to the peers and deputies, summoning them to attend the opening of the Chambers on the 3d day of August. These summonses were issued in consequence of the result of a royal council held on Wednesday, the 21st instant; but on Sunday, the 25th instant, another council was held, when, owing to some changes of sentiment or policy, which is as yet unexplained, it was determined to dissolve the new Chamber of Deputies, and to adopt the extra-legal measures embraced in the ordonnances.

The ordonnances were promulgated on Monday, the 26th instant, and immediately produced a profound sensation through the whole population of Paris. No public disorder, however, occurred on that day, with the exception of a little commotion in front of the hotels of some of the ministers, and a transient tumult at the Palais Royal. On Tuesday, the assemblages of the people in the streets were increased by large accessions of the laboring classes, who had been thrown out of employment by the suppressions of the journals, or other effects, direct or indirect, of the ordonnances. The military, in attempting to disperse them, encountered a very spirited resistance, and several engagements took place between them and the multitude in different parts of Paris.

On Wednesday morning a proclamation of the King appeared, declaring Paris to be in a state of siege, and placing Marshal Marmont, the Duke of Ragusa, at the head of the troops. In the mean time, the people also had extended their preparations and increased their force. Many members of the National Guard, which had been suppressed in 1827, reappeared in uniform and with their arms; and the young men belonging to the Polytechnic School, the School of Medicine, and the School of Law, united themselves with enthusiasm to the mass of the people. They took possession of one or two public depots of arms, and, adding to that supply the arms of the detachments of the Royal Guard, whom they subdued in various posts throughout the city, they soon found them-

selves well furnished with the means of attack as well as defence. To prevent the advance or to cut off the retreat of the troops, they barricaded the streets and the Boulevards with carriages, or by tearing up the stones of the pavement, or cutting down the trees on the margin of the public walks.

Thus prepared on both sides, the contest on Wednesday assumed a more serious and sanguinary character. There were severe and prolonged engagements at various points in the city: at the porte St. Denis, at the porte St. Martin, at the Pont-neuf, and at the Place de Grieve. The possession of the Hotel de Ville, standing on the margin of the Place de Grieve, was the object of a most obstinate conflict, in the course of which it was several times taken and retaken, but finally remained in the hands of the people, who, before night, raised the tri-colored flag upon its steeple. During the night partial rencontres took place in various parts of the city, and the discharge of cannon and musketry was heard at intervals through the whole course of the night.

On Thursday the people made vigorous assaults on the Louvre and the Tuilleries, to which the military, having been beaten and driven back in all the previous engagements, had retired: both were finally carried, and the remnant of the military force, thus driven from their last hold in the city, retired beyond the walls. At two o'clock the whole contest was ended, and the tri-colored flag floated peacefully over the domes of the palaces: since then not a gun has been fired in the city, but in token of the public joy. In the progress of the contest, several detachments of the military force, from the impulse of patriotic feeling, passed over to the side of the people.

Yesterday, a provisional civil Government was organized, with the general assent of the people, by the deputies who found themselves in Paris; it is composed of Messieurs Lafitte, Casimir Perrier, Odier, and three or four others. The National Guard has been re-established, and General Lafayette, as in 1789, again placed at the head of it. General Gerard is named commander of the troops of the line who have joined the popular cause.

It is understood that the Chamber of Deputies will meet on the 3d of August, the day originally fixed by the King for the meeting of the Chambers; till then it is probable that no definite measures will be taken as to the political organization of the country. Every thing at present indicates that the Bourbons will no longer reign; the most probable supposition is, that the Duke of Orleans will be called to the throne.

No news has been yet received from the departments as to the effect produced there by the events which have occurred in the capital; but there seems to be no reason to doubt that the national sentiment will second what has been done here. I have not heard of a single outrage perpetrated by the people in this agitating crisis. Their conduct has been marked throughout by the calm but enthusiastic devotion of men contending for their rights in the exalted spirit of freedom. Indeed, nothing could more strikingly mark the wonderful advances made by this people in the knowledge and practice of free institutions, than their noble conduct on the present occasion contrasted with the excesses of their first revolutionary convulsion.

I write in haste, and with the uncertainty of this letter reaching you by the packet of the first of next month, for which it is intended, as all the public communications have been much interrupted, but the importance of the events to which it relates, induces me to profit of whatever chance there may be.

I have the honor to be,
With great respect,
Your obedient servant,
W. C. RIVES.

Hon. M. Van Buren, *Secretary of State.*

Paris, *July* 23, 1830.

Monsieur le Prince: The question which has been so long pending between the Government of the United States and that of his Majesty, has, at this time, so important a bearing on the general relations of the two countries, that your excellency will excuse me for again earnestly invoking your attention to it with a view to a definitive result. So long as this question shall remain unsettled, involving as it does considerations of the deepest interest to the rights and honor of the American nation, it cannot fail to obstruct that mutual good understanding which it is believed to be the interest of both Governments, as it is certainly the sincere wish of that of the United States, to cultivate and preserve.

As your excellency has promised to send me the projet of an arrangement, in the view of terminating this unpleasant discussion, and as the prospect of a satisfactory termination must depend on the character of that projet, I trust your excellency will enable me, by a prompt communication of it, to judge how far my Government may indulge the hope of seeing its ancient friendly relations with his Majesty's Government re-established and confirmed.

I have the honor to be, with sentiments of distinguished consideration, your excellency's most humble and most obedient servant,

W. C. RIVES.

H. E. the Prince de Polignac,
Minister, Secretary of State for Foreign Affairs, and President of the Council of Ministers.

Mr. Rives to Mr. Van Buren.

[No. 38.] Paris, *August* 8, 1830.

Sir: A declaration was yesterday adopted by the Chamber of Deputies, almost unanimously, and concurred in by the Chamber of Peers, calling the Duke of Orleans to the throne. The declaration contains, at the same time, some very important modifications of the charter, and stipulations for certain organic laws, which have been long demanded by the wishes of the nation. There can be no doubt that the Duke of Orleans will heartily assent to these conditions, and will immediately ascend the throne as King of the French, which, you will perceive, is the new title to be borne by the monarch.

The late King and his family, attended by three commissioners of the Provisional Government as a safeguard, are now on their route to Cherbourg, whence they will embark for some foreign country, most probably Scotland. After leaving St. Cloud, he went to Rambouillet, with about 1,500 troops. He and the Dauphin there signed an abdication in favor of the Duke of Bordeaux, (the infant grandson of Charles X,) which was sent to the Duke of Orleans, already declared Lieutenant General of the Kingdom, with an intimation, wearing the aspect of a royal order, that he should immediately take measures for proclaiming the Duke of Bordeaux King, under the name of Henry V. Exorbitant pretensions were at the same time advanced in regard to pecuniary allowances for himself and his household. Demands so unsuitable to the character of a dethroned monarch, kindled a universal flame of indignation in Paris as soon as the fact was known; and, in a few hours, thirty or forty thousand men under arms were on their march to Rambouillet for the purpose of driving this infatuated man and the remnant of his followers out of the kingdom. Admonished of the approach of this formidable and enraged force, he immediately left Rambouillet under the safe conduct of the commissioners sent by the Provisional Government to give him protection. The national troops returned to Paris; and perfect tranquillity has prevailed ever since, and will be more and more confirmed by the new order of things.

Two of the late ministers, Peyronnet and Chantilauze, have been arrested, and will be tried for high treason. The rest of them have made their escape. Prince Polignac, it is said, is at Brussels.

The reappearance of the journals, filled as they are with ample accounts of every thing that has passed here, renders it unnecessary for me to occupy your time with further details of what you will see so fully stated in them.

I enclose copies of two letters received from Marshal Jourdan, the Provisional Commissioner of Foreign Affairs, and my answers to them. The principles upon which the Government of the United States has always acted in its relations with foreign Powers, in regard to changes of their internal organization, and my perfect conviction that the change which had taken place here was a permanent one, left me without any hesitation as to the course I should adopt; which, I have been since pleased to find, corresponds with that pursued by Mr. Crawford under similar circumstances. It will, of course, be necessary that I should be furnished with a new letter of credence. It is desirable that these letters should be sent as speedily as possible, as nothing can be concluded, even if I should be able to enter into negotiation, without that formality.

In regard to the probable dispositions of the new Government on the subject of our claims, I have seen no reason to change the opinion which I expressed to you in a private letter some time ago. It is an unquestionable fact, strange as it may appear at first sight, that the liberal party, who will now come into power, have been, heretofore, much more opposed to our claims than the royalists. A solution of this phenomenon must be found in the circumstance that the liberals, from their popular attachments and connexions, have more sympathy for the public purse, while, from their former connexions with the imperial authority, they are less inclined to admit the iniquitous character of the acts for which we demand indemnity. This latter consideration, as well as the great principle of national sovereignty established by the revolution which has just taken place, will, in all probability, prevent them from recurring to the ground of irresponsibility for the acts of preceding Governments. What has been done, too, under the late ministry, must have some effect. Great reluctance, however, will be undoubtedly felt to pay our demands, and every effort will be made to reduce the amount by excepting to particular classes of claims. That the matter was not consummated with the late ministry, with whom it had been brought into a favorable train for speedy adjustment when they were driven from the stage, was (I hope the President will be satisfied) owing to no want of strenuous and persevering efforts on my part, to the last moment.

I have the honor to be, &c.

W. C. RIVES.

Hon. Martin Van Buren,
Secretary of State.

[TRANSLATION.]

Paris, *August* 4, 1830.

Sir: I have the honor to announce to you that H. R. H. Monseigneur the Duke of Orleans has named me, by his ordinance of the 3d of this month, Provisional Commissioner of Foreign Affairs.

I congratulate myself very much, sir, upon being thus placed in a situation to hold direct intercourse with you, and I shall be happy to be able to concur with you in consolidating the friendly relations which so happily exist between the United States and France.

I have the honor to be,
With high consideration, &c.

ML. JOURDAN.

Mr. Rives, &c. &c. &c.

Paris, *August* 5, 1830.

Monsieur: I have had the honor to receive your excellency's communication, announcing to me that H. R. H. Mge. le Duc d'Orleans had, by his ordinance of the 3d of this month, charged your excellency with the Department of Foreign Affairs.

It is a source of sincere congratulation to me to be thus brought into relations with a character so well known by his illustrious career; and I beg your excellency to be assured that I shall be most happy, at all times, to unite my efforts with those of your excellency for consolidating the friendly relations between the two countries, which it is so much the wish of my Government to preserve and extend.

I pray your excellency to accept the assurances, &c.

W. C. RIVES.

H. E. Ml. Jourdan, &c. &c. &c.

[TRANSLATION.]

Paris, *August* 4, 1830.

Sir: I have the honor to send you copies of an act which Monseigneur the Duke of Orleans, Lieutenant General of the Kingdom, signed on the 31st of July, and of the discourse which H. R. H. pronounced on the 3d of August, at the opening of the Chambers.

This communication was due to the minister of a Power with which France is so happily united by relations of good understanding and friendship; and it is with pleasure that I make it to a person whose noble character H. R. H. has had opportunities of appreciating, and who, no doubt, takes the same interest in the tranquillity of France as it inspires in all wise and enlightened men.

Accept the assurances, &c. &c.

ML. JOURDAN.

Mr. Rives, &c. &c. &c.

Paris, *August* 5, 1830.

Monsieur: I have had the honor to receive the communication which your excellency did me the favor to address to me, enclosing copies of an act signed the 31st of July by Mge. le Duc d'Orleans, Lieutenant General of the Kingdom, and of the discourse pronounced by H. R. H. at the opening of the Chambers.

In expressing my acknowledgments to your excellency for the very flattering manner in which you have been pleased to communicate these important documents, I beg leave to assure your excellency of the deep interest with which they will be received by my Government, and of the lively satisfaction with which it will see, in the unexampled virtues displayed by France to the admiration of the whole world, in the late perilous and agitating crisis, a certain presage of the tranquil and happy future which awaits her.

I pray your excellency to accept the assurances, &c. &c. &c. &c.

WM. C. RIVES.

H. E. Ml. Jourdan, &c. &c. &c. &c.

Mr. Rives to Mr. Van Buren.

[No. 40.] Paris, *August* 18, 1830.

Sir: My last despatch informed you of the proceedings of the Chambers on the 7th instant, by which they called the Duke of Orleans to the throne. The Duke accepted, "without restriction or reserve," the modifications of the charter, and all the other conditions contained in the declaration of the Chambers, and, on the 9th instant, took the oath to observe them, in the presence of both Chambers. He reigns under the name of Louis Philippe.

The King, in one or two days after ascending the throne, made definitive appointments of his ministers. Two only

of the provisional appointments were continued—Dupont de l'Eure, as Keeper of the Seals, and Guizot as Minister of the Interior. Baron Louis (the same who, as Minister of Finance, in 1819, addressed the letter to Mrs. Parish, which is among the documents communicated to Congress on the subject of the claims) is again Minister of Finance; Comte Molé is Minister of Foreign Affairs; General Sebastiani, Minister of the Marine; General Gerard, Minister of War; and the Duc de Broglie, Minister of Public Instruction. A majority of these ministers were the friends of Napoleon, enjoyed his confidence, and held employments, of one kind or another, under him. All of them have been, more or less, in opposition to the late Government; they are all members of the one or other Chamber—the Duc de Broglie and Comte Molé of the Chamber of Peers, and the others of the Chamber of Deputies. They are all men of talents, and men of business.

Comte Molé, with whom I shall have more direct relations than with the rest of the ministers, is said to possess great energy of mind and character, and very extensive information, though he has never been practically connected with foreign affairs. Under the Emperor, he held, successively, the posts of Director General of Roads and Bridges, and of Minister of Justice; and, under Louis XVIII, for a short time, that of Minister of the Marine; but he is now, for the first time, connected with the Department of Foreign Affairs. I have received two communications from him, which, with my answers, are enclosed, together with a note previously received from the provisional minister, Marshal Jourdan, and my answer.

I have had no opportunity yet of knowing the particular dispositions of the new Government in regard to our claims. I called, a few days ago, at the Foreign Office to pay my respects to Comte Molé, but he was not there. He has been very much occupied with reorganizing his department, and will, in all probability, continue to be very much occupied with that and the preliminary communications with the neighboring Powers, arising from the change of Government here, for some time to come.

I had the honor to dine with the King the day before yesterday. He received me with great cordiality—expressed, in warm terms, the friendly interest with which the visit he made to the United States, thirty years ago, had inspired him; assured me that, as King, he would preserve the sentiments of the Duke of Orleans, and that every effort should be made, on his part, to settle the differences, if differences they might be called, between the two countries, and desired me to communicate his sentiments to the President.

The King, I have no doubt, entertains a sincere desire to cultivate the most friendly relations with the United States, and the same desire is, I believe, shared by all his ministers. The considerations, however, alluded to in my last despatch, as well as the spirit of economy which so strongly marks the first movements of the new Government, and will, doubtless, continue to actuate it, ought to prepare the claimants for the utmost allowable reduction of the amount of the indemnities which will be paid.

It is hardly probable, I think, that I shall be able, with propriety or prudence, to renew my communications on this subject with the new Government till my letter of credence has been received. It is, therefore, desirable that the letter of credence should be sent as speedily as possible, together with any additional instructions which the occasion may suggest. It is to be expected that the negotiation will now take a new turn, and that a proposition will be made for a transaction *en bloc*, far short, however, of the full amount of the claims. In that case, what is to be done with those claims (the Gracies', for example) which have been committed to me as standing upon special and distinct grounds, and more free from exception than the mass of the claims? Can they, with the rest, be subjected to a *pro rata* abatement? I should be very glad to be favored with your views upon this subject, as well as the other questions arising out of the past course or present state of the negotiation, upon which I have not been heretofore instructed.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

Hon. M. Van Buren,
Secretary of State.

Mr. Rives to Mr. Van Buren.

[No. 43.] Paris, *September* 8, 1830.

Sir: The sickness of Mr. Harper, about the time of the sailing of the last packet, prevented me from sending you, then, the enclosed copies of notes addressed by me to the Minister of Foreign Affairs and Minister of Finance, on the tobacco question, and of their answers, as it did also the regular transmission of the duplicates of former despatches, and of the journals. Although I had heard, as I informed you in my supplemental despatch of the 19th ultimo, that the Minister of Finance had pronounced his decision in favor of the proposed change, yet, as nothing of an irrevocable nature had yet been done, I thought it expedient to call the attention of the Minister of Foreign Affairs, as well as that of the Minister of Finance, to the subject. At the same time, as the question was of a peculiar character, appertaining rather to their system of internal economy than to that of ordinary diplomatic relations, I did not feel myself authorized to press it further than by asking a candid consideration of the views I had presented in my communication to the late Minister of Finance.

On the subject of the claims, I have not yet had any direct communication with the new minister. I have called once or twice at the Foreign Office to see him, but have not been so fortunate as to find him. I thought it would be premature and impolitic, occupied as the new Government has been with its own reorganization, and being myself as yet unaccredited, regularly, to press the subject in any formal communication. I have, however, availed myself of the intermediary channels existing in the friendly dispositions of ——— and ———, to awaken the mind of the minister to a proper consideration of the subject. This has certainly been done by them in a very friendly spirit; but every thing which has yet transpired affords a confirmation of the views I have heretofore expressed to you with regard to the probable temper of the new Government on this question. The principle of responsibility they seem ready to admit, as, indeed, it would be impossible to contest it, without attacking the vital principle of their own existence. The late rulers of France, claiming by a tenure of legitimacy independent of, and paramount, as they conceived, to the national will, might, with some face of plausibility at least, deny their responsibility for the acts of preceding Governments of a revolutionary origin. But the present Government of France, having nothing to stand upon but the principle of sovereignty in a nation, must, of necessity, admit its responsibility for all acts which attached to the nation, or, in other words, for the acts of all preceding Governments, for all of them were created, or acquiesced in, by the nation. While, therefore, they are compelled to admit the principle of responsibility, a reluctance, or a fear to touch the purse of the nation, disposes them to dispute the consequences of its application, by every sort of pretext.

I yesterday had a conversation with ——— at the Foreign Office, on his own invitation, which furnished a striking illustration of the views and feelings of the new Government. He told me that he had, several times, conversed with Count Molé on the subject of our claims; that the minister was anxious to cultivate the most friendly

relations with the United States, and that his dispositions personally, on the subject of our claims, were favorable; that the principle of responsibility he was ready to admit; but that, popular as our nation was in France, our claims were not so; that a minister would incur great responsibility in a settlement of them; that Count Molé had thought of the organization of another commission, consisting of members of the two Chambers, to consider and examine the subject, and had suggested it in a late council of ministers, but, from a difference of opinion even on the principle of our claims, as I understood him, the suggestion was not adopted; that, under these circumstances, the prospect of an adjustment would depend on a material reduction of the extent of our demands, and that, in the amplitude we had given them, their admission would be impossible.

I stated to ——— that I regretted exceedingly to hear what he had just communicated to me; that I had hoped that the new Government of France would have been animated with more liberal views; that the admission of the principle of responsibility, (a principle which the late events in France rendered it impossible to deny,) while its application was disputed, would be of very little avail; that, in private transactions, an individual who should admit that he was indebted to another, but disputed every item of the account, would oppose as great obstacles to the demands of justice, as one who roundly denied that he was indebted at all; that such a course on the part of France, with regard to our claims, while it seemed to me alike unsuitable to the character of the question, of the parties, and of the high interests involved, would only serve to increase the feelings of irritation and dissatisfaction for which too much occasion had been already afforded; that we asked nothing but justice in the redress of undeniable wrongs; that, as the wrongs had been great, the measure of redress ought to bear some fair proportion to the magnitude of the injury; that, with regard to the amount of our claims, if France sought a reduction of them, it was incumbent upon her to say frankly what she was willing to pay, and if her offer approximated to justice, it would certainly be considered, with every proper feeling, by the Government of the United States; that considerations, however, of much higher importance than money, connected with the general relations of the two countries, were involved in the adjustment of this question; and in enforcement of this view, I took occasion to mention (upon the faith of indirect information of the successful issue of Mr. McLane's negotiation) that Great Britain, setting a much higher value on the friendship of the United States than France seems to do, had, in a case involving no demand upon her justice, and even at the expense of the interests of a large portion of her own subjects, just settled the only question we had with her, in a spirit of liberal conciliation, and with the enlightened policy of drawing closer her friendly relations with us.

This is but a brief and general outline of the conversation with ———. It being frequently interrupted by the calls of other persons, and abruptly terminated, at last, by the entrance of Mr. Rayneval, the ambassador of France at Vienna, I was not able to give it all the development, or to pursue it to the extent I wished. The sketch I have given you will serve to show the spirit which actuates the new Government on this subject, and the difficulties we are yet to encounter in its adjustment—difficulties which can be overcome only by the continued manifestation of a firm and determined purpose on the part of the Government of the United States. ——— took occasion several times, in the course of the conversation, to say that his communication with me was without the knowledge or authority of the minister, and suggested only by his friendly sentiments for me and my Government. From the situation, however, which he occupies, it is impossible to consider his conversation as entirely unofficial. I have thought that the time has arrived when I might, without impropriety or imprudence, have some conversation with the minister himself on this subject, and I have accordingly addressed a note to him to-day soliciting an interview.

You will perceive from the journals accompanying this despatch, that there have been recently some disorders in Paris, (but no violence,) arising from associations of mechanics, complaining of various grievances, some real and some imaginary, connected with their several branches of industry. The Government has wisely felt the necessity of acting with moderation and a certain degree of tenderness towards these classes, whose power and patriotism were so conspicuously exerted in the late revolution. Measures have been taken, which, by the regular and peaceful action of the civil authority alone, promise, in due time, an entire suppression of these disorders, which have indeed already ceased to present any appearance of serious commotion. Disorders of a similar character have occurred in some of the departments; and at Nismes, for a day or two, a sort of religious war between the Catholics and Protestants raged among its inhabitants, of a character much more alarming, and attended with consequences more fatal. All these disorders, however, have been, or are beginning to be, quieted; and whatever may be the hopes or machinations of discontented spirits, I see nothing in the present state of France which threatens any serious reaction against the existing order of things. All eyes here are turned with anxiety on the troubles in Belgium, which, if not speedily composed, may become the germ of a general war in Europe.

I have the honor to be, with great respect,
Your most obedient and most humble servant,
W. C. RIVES.

To the Hon. M. Van Buren,
Secretary of State.

Mr. Rives to Mr. Van Buren.

[No. 45.] Paris, *September* 18, 1830.

Sir: To my note of the 8th instant, soliciting an interview with Count Molé, the Minister for Foreign Affairs, I received his answer the same evening, fixing the next morning for the interview. I was received by him with great politeness, and, after some general conversation of little importance, I proceeded to call his attention to the subject of our claims. I observed to him that they had now become a most important point in the relations of the two countries; that the character and extent of the injuries we had sustained, and the long delay (under vexatious pretexts) of the redress to which we were entitled, had very naturally excited a high degree of sensibility in the United States; that it was important to the harmony and interests of both countries that so unpleasant a discussion should be terminated as speedily as possible, and that I hoped his earnest and early attention would be given to it.

He replied that his attention had been already directed to it; that he sincerely desired its adjustment upon fair and honorable principles, and to cement by all other means the friendship between the two Governments, to which the late events in France had furnished new motives; that there were two distinct questions connected with our claims—first, the principle of responsibility, and then the amount due; that though he had not yet had an opportunity of knowing the sentiments of his Majesty's Government on the subject, he thought the principle would be admitted, but that the amount was a very complex question, depending on a great variety of considerations, and requiring minute and detailed examination; that he believed our claims would encounter much less opposition with the Government, (meaning the King and his ministers,) than with the Chambers; that he had thought of the organization of a commission to examine the subject, con-

sisting of members of both Chambers, as the best means of preparing those bodies for an ultimate decision; and that he should submit the proposition, at an early day, to the council.

I remarked to him, that an *ex parte* commission of the kind he suggested was attended with many inconveniences, and, from the very nature of its constitution, was exposed to the bias of one-sided and too narrow views, and that, whatever might be its opinion, our rights could not, of course, be concluded by it; that I thought it would be a better plan for him, as the appropriate organ of the foreign relations of the country, to proceed at once to examine and settle with me all the questions connected with the subject, which might be done in one of two modes—either to fix, by a convention, the principles on which the claims were to be settled, and to provide for the organization of a mixed commission, which should examine the claims in detail, and decide upon them according to the principles stipulated, or, otherwise, to agree upon a round sum in total discharge of all the claims, which would be a more simple, and perhaps in every respect a preferable arrangement for both countries; that I was prepared to treat with him upon either of these bases; and I terminated my remarks by observing, that whatever means might be thought best for the attainment of the end which both of us had in view, I hoped the subject would be brought to a conclusion with the least delay possible.

The minister, without seeming to relinquish his idea of a French commission, which I apprehend is recommended to him chiefly as an expedient to screen himself from responsibility, assured me that the settlement of this question was one of the objects of highest interest to his Majesty's Government, and that every exertion should be made, on his part, to bring it to an early decision.

Though I was left by the minister under the impression that he would bring our claims under the consideration of the council at their next meeting, I learn that no step has yet been taken by him in relation to the subject, though two councils, at least, have since intervened. There is an evident reluctance and timidity, on the part of the Government, in approaching this subject, arising from the pecuniary responsibilities it involves. This reluctance, I fear, is not likely to be diminished by the condition of the public finances. Great difficulties, and an absolute suspension for a time, have been recently experienced (as you will perceive from a report made by the ministry to the Chambers on the 13th instant) in the collection of the imposts, and the public funds have been undergoing a progressive and rapid depreciation for some days past. The amount of treasure obtained at Algiers has been greatly exaggerated. It will fall considerably short, I learn, of the actual expenses of the expedition. In the midst of these embarrassments, there is an importunate cry for economy from all quarters, which creates a still further obstacle in the way of our claims.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

Hon. M. VAN BUREN.

Mr. Rives to Mr. Van Buren.

[No. 46.] PARIS, *September* 29, 1830.

SIR: I have the honor to enclose the copy of a note I addressed to Count Molé on the 20th instant, and also of his answer.

Finding that nothing had been done with regard to our claims, notwithstanding the assurances and professions made by the minister in my conference with him on the 9th instant, and having received an intimation, indeed, that a more formal application in writing would be the only means of stimulating his attention, and of putting the subject again into motion, I determined to adopt that course; a further motive to which was found in the consideration that it was highly desirable, if possible, to obtain some authentic indication of the views and feelings of the new Government on this question, in time to be communicated to the President before the meeting of Congress. In presenting the subject, I sought to bring forward those considerations which seemed best suited to impress the mind of the minister with the critical importance of the question, and to appeal most strongly to the interests and calculations as well as honorable sentiments of the new Government. The answer of the minister, though very brief, is evidently cold, cautiously avoiding any commitment, and affecting to consider our reclamations as the affair of "*quelques citoyens*," some citizens only of the United States. This impression, derived from the communications of their ministers in the United States, has taken deep root here; and it will require the unequivocal exhibition of a firm and determined attitude on the part of both the Legislative and Executive branches of our Government to convince them that the question is really considered, and intended to be pursued, as a national one.

The frequent changes of ministers, which embarrassed so much the relations of foreign Powers with the late Government of France, seem destined to continue under the new. During the last week, it was confidently announced, as you will perceive from the journals, that a thorough change of the present ministry, involving the retreat of a majority of its members, and among them the Minister of Foreign Affairs, was about to take place. It is certain that a serious division had occurred in the cabinet with regard to the measures to be taken for the restraint or suppression of the popular societies recently formed in Paris; and for several days it was believed by the ministers themselves that the formation of a new cabinet would be indispensable. The difficulty, however, was adjusted; and the question of a change of ministry has been adjourned for the present.

The internal condition of France, at the present moment, presents the aspect of general order and tranquillity. Her foreign relations, however, must, in all probability, be soon disturbed. The troubles in Belgium have terminated, as you will perceive from the journals accompanying this despatch, in a state of open war between the King and his Belgian subjects. The Government of France has pledged itself not to intervene in this quarrel so long as other Powers shall abstain from interference. But the interests of other Powers in maintaining the consolidation of Belgium with Holland, and the treaty engagements by which some of them are bound to that object, seem to preclude the expectation of an acquiescence, on their part, in the success which is likely to attend the Belgian insurrection, if the parties are left to themselves. The events passing in that quarter, combined with other elements of discord, will render it a matter of extreme difficulty, if, indeed, it be possible at all to preserve the peace of Europe.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

PARIS, *September* 20, 1830.

MONSIEUR LE COMPTE: The subject to which I had the honor of calling your attention in the interview with which your excellency favored me on the 9th instant, so deeply affects the friendly relations of France and the United States, that your excellency will, I am persuaded, find, in my solicitude to preserve those rela-

tions from interruption, a sufficient and excusable motive for again inviting your attention to it.

The reclamations of the Government of the United States are for injuries of the most aggravated character, committed in violation, alike, of the acknowledged law of nations, and of the positive stipulations of treaties. These injuries produced, at the time, a state of the relations between the two countries which must have eventuated in the last appeal of nations, but for the final revocation, by the Government of France, of the orders and decrees under the authority of which the wrongs in question had been committed.

Since that period, the Government of the United States has not ceased to demand, with a firm but friendly spirit, the indemnities due for the wrongs it had sustained, and always with a hope (authorized by the declarations of the French Government) of ultimate redress. That redress, however, has continued to be postponed from time to time; and, though the delay was patiently acquiesced in for a long period, from considerations, among which a friendly and sincere sympathy with France in her vicissitudes was always the most influential, yet the time was at length come when, in the opinion of the Government of the United States, it was alike inconsistent with the dignity of both Governments that so important a question should remain longer unsettled.

My efforts, therefore, by the instructions of my Government, have been unceasingly exerted, since my arrival in France, to bring the question to a definitive conclusion. Your excellency will find, upon a reference to the correspondence between the late Minister of Foreign Affairs and myself, that, after a protracted discussion, and the intervention of many delays, he had finally promised to send me the projet of an arrangement. I was in daily expectation of that projet, as your excellency will perceive from my letter of the 23d July, when the events which soon after occurred, overthrew the Government of which the minister was the organ.

It is presumed that, with the loyal and enlightened policy which actuates his Majesty's Government, there can be no longer any difficulty on the subject. If the doctrines professed by the late Government in regard to the origin and tenure of its power might have given, in the eyes of any one, a color of plausibility to its attempt to qualify its responsibility for the acts of the Government which preceded it, it is confidently believed that the principles consecrated by the late memorable events, and upon which his Majesty's Government has justly expressed its pride in reposing, must, in future, preclude the possibility of any question on that point.

While this consideration, combined with the frank and elevated character of his Majesty's Government, forbids all doubt of its disposition to do justice to the reclamations of the United States, your excellency will permit me to remark, that the delays and evasions which have heretofore taken place, have seriously disturbed the friendly relations between the two countries; and that it is much to be desired, for the sake of a cordial and sincere re-establishment of those relations, that the justice so long delayed should be now promptly and frankly rendered. When your excellency shall review the numerous postponements to which the reclamations of the United States have been subjected, and the unsatisfactory character of the motives alleged for those postponements; when your excellency, moreover, reflects that the claims of all other Powers, including those even of the pirate recently chastised and expelled by the arms of France, have been welcomed and discharged, while justice has been withheld from the United States only, and that all the objections heretofore alleged against our claims have resolved themselves into the ungracious reproach that we were not among the enemies of France; when these things are considered, your excellency will not be surprised at the high degree of sensibility which exists in the United States on this subject, and will, doubtless, think it inconsistent with a wise regard to the harmony of the two countries (which the Government of the United States, on its part, has shown so sincere a desire to preserve and cultivate) to leave any longer open so unpleasant a source of controversy.

As the Congress of the United States will again assemble on the first Monday in December, when a development of the foreign relations of the country is always expected of the President, it is much to be desired that he could be enabled to communicate to them, at that time, the final and honorable adjustment of this subject, which, while it would be the means of a cordial renewal and progressive amelioration of the friendly relations between the two Governments, would be, at the same time, a pledge to all nations of the spirit of justice and political morality which it was the determination of his Majesty's Government to carry into all its proceedings.

I pray your excellency to accept the assurances of the distinguished consideration with which I have the honor to be, your excellency's most obedient and most humble servant,

W. C. RIVES.

To his exc'y Comte Mole,
Minister, Sec'y of State for Foreign Affairs.

Paris, *le 25 Septembre*, 1830.

Monsieur: J'ai reçu la note que vous m'avez fait l'honneur de m'adresser, le 20 de ce mois, relativement aux réclamations de quelques citoyens des Etats Unis contre la France, et de la négociation entamée à ce sujet entre vous et le Gouvernement précédent.

Je vais m'empresser, Monsieur, de rendre compte au Roi de l'objet et de l'état de cette négociation, et dès que S. M. m'aura fait connaitre ses intentions sur la suite qu'il convient d'y donner, j'aurai l'honneur de vous écrire de nouveau.

Agréez, Monsieur, l'assurance de la haute considération avec laquelle j'ai l'honneur d'etre votre tres humble et tres obéissant serviteur.

Le Ministre des Affaires Etrangères,
MOLE.

A Monsieur Rives,
Ministre des Etats Unis.

Mr. Rives to Mr. Van Buren.

[No. 49.] Paris, *October* 19, 1830.

Sir: The note of the Minister of Foreign Affairs, of the 25th ultimo, was of so unsatisfactory a character, that I thought it expedient he should be apprised of the light in which it was viewed by me. Thinking it best, however, that a communication of that sort should reach him indirectly, I sought an opportunity of conversing with ——— and ———, both of whom are in familiar relations with the minister, in the design that they should communicate to him what I said to them.

I remarked to them that I thought we had a right to expect, from the frankness and loyalty of the new Government of France, as well as from the verbal declarations of the minister to me, a very different reception of our claims than that given by his note; that the object of the communication I had addressed to the minister was to obtain, at least, some such expressions of the opinions and dispositions of the new Government as would enable the President to inform Congress what prospect there now was of adjusting this long pending controversy; that, so far as any indication was given by the note, it seemed to me to be unfavorable; and that, unless something more explicit should be sent to me very soon, the President, while announcing the amicable settlement of our differences with all other Powers, with England, Denmark, &c. &c. would be compelled to say that our differences with

France alone remained unadjusted, and that the new Government had evinced less disposition to do justice than its predecessor, with whom the subject was believed to be in a train of early adjustment.

I added some other remarks in the same spirit, hoping that the communication of them to the minister would stimulate him to act with more of promptitude and decision. After waiting the effect of this indirect communication for some days, I determined to ask an interview with him myself, as the period was approaching when the last opportunity, upon which any reliance could be placed, of sending a despatch in time for the opening of Congress, would have passed with the packet of the 20th of this month. On the 10th instant, therefore, I addressed him a note requesting an interview, his answer to which gave an appointment somewhat late, (for the 15th,) with the express design, in all probability, of being then able to communicate to me that something had been done.

When I arrived at the Foreign Office, at the hour he had indicated, he had not yet returned from a council of ministers held that day under the presidency of the King. He, however, very soon returned; and the moment I was introduced into his room, he presented me a paper, which he said was the report he had that day made to the King in council on our affairs, and which had been approved and signed by the King. He invited me to read the conclusion of the report, which recommended the resumption of the negotiation with me, and proposed, as a first step, the formation of a commission, consisting of members of both Chambers, to consider and report their opinions on the respective claims of the two Governments.

The business of this commission, as traced in the conclusion of the report, is—

1st. To examine the American reclamations as presented in my projet of a treaty; and to say which of the classes of reclamations mentioned in that projet may be "admitted to an examination, and, if need be, to liquidation."

2d. To examine and report upon, in like manner, the reclamations of France, specifying particularly claims for supplies, (alluding, I presume, to the Beaumarchais affair;) the case of a French privateer burnt by a mob at Savannah, in the autumn of 1811; claims of French subjects to lands in Louisiana, derived under the French Government, but which have been since superseded by grants from the United States; and the claim under the eighth article of the Louisiana treaty.

3d. To consider, if this claim should be withdrawn, what compensation the Government of the United States ought to make for it; and if in the form of a reduction of duties on the productions of France, for what time and to what extent that reduction should be made. And, lastly, to advise what method should be adopted to liquidate the claims admitted.

The minister having given me leave to read the conclusion of the report only, I did not see what were the particular views presented in the previous part of it; but I infer from the conclusion of it that a discrimination was made among our claims, some of them being considered well founded, and others not so.

In all probability, the distinction heretofore taken, between the cases of sequestration and those of condemnation, is again insisted on. You will observe, also, that some French claims, never before mentioned in connexion with this negotiation, are now brought forward. The land claims referred to, I learn, are principally some derived under an ancient grant of the French Government to the celebrated author of the Mississippi scheme, John Law, and have been heretofore presented to the consideration of Congress. In what name they were presented to Congress, I have not been able to learn. The principal heirs of Law, I understand, are the family of Marshal Lawriston, and their agent is said to be a Mr. D'Autremont. In one or other of these names, probably, the land claims, heretofore alluded to, have been presented to Congress. It is also possible that some ramifications of the land claims which have been so long under the consideration of Congress, in the names of the Marquis de Maison Rouge and of Baron Bastrop, may be intended to be embraced. It seems to me, however, that no claims of this character have any affinity with the present negotiation, or can be made the subject of diplomatic arrangement.

The other additional claim now brought forward has an aspect of somewhat more plausibility, and will be the more difficult to get rid of, in consequence of having the sanction of a recent report in the Chamber of Deputies, which, at the same time, manifests a friendly spirit towards our reclamations. I send you, herewith, a copy of that report in the Moniteur of the 13th of September. It would be desirable for me to have the President's instructions in regard to these claims, with as little delay as possible. I presume that all of them are not intended to be individually insisted on. Some of them are, perhaps, brought forward more as the means of procuring an abatement of the amount to be paid to citizens of the United States, than with a view to a special satisfaction of the claims themselves. The most natural termination of a negotiation like the present, is a transaction *en bloc;* and it is most probably that which the French Government now has in contemplation. With a view to that result, it would be very desirable for me to have some indication of the lowest amount that the American claimants would be satisfied to accept. In fixing that amount, the staleness of the claims, the difficulties inseparable from their adjustment, the uncertain state of things here, the financial embarrassments of the country, (there having been, as you will perceive from the journals, a falling off of ten millions of francs in the revenue of the last month, besides the universal derangement of credit and commerce,) all these considerations should have their proper weight.

Count Molé, after having communicated to me the conclusions of his report, and mentioning, as an evidence of the anxious desire of his Majesty's Government to arrange this question with the United States, that the council had unanimously consented, when he presented his report, to give it priority, in their deliberations, over several other subjects of great importance, informed me of the names of the persons who would compose the commission. They are, Vicomte Lainé, Benjamin Dellessert, Monsieur Bessay, G. W. Lafayette, and Monsieur Pichon. The first is a distinguished member of the Chamber of Peers, and all the others are members of the Chamber of Deputies, with the exception of Monsieur Pichon, who was formerly chargé d'affaires in the United States. In the composition of this commission, if I have not been misinformed as to the characters and dispositions of its members, there seems to be a pledge of a determination to do something on the subject of our claims.

In the close of our interview, it was agreed that the minister should address me a letter, to be communicated to my Government with this despatch, and in time to go by the packet of the 20th instant, in order to reach Washington before the meeting of Congress. That letter has not yet been received, though I have kept back this despatch a day later than the usual time of sending off my despatches for Havre, in order to be accompanied by it. This delay has excited a good deal of surprise in my mind after what passed between the minister and myself. The letter is promised to-day certainly, in time to go by estafette with this communication, which will be retained to the latest moment practicable, to be accompanied by the promised letter, if it should be received.

I have the honor to be, &c. W. C. RIVES.

To the Hon. M. VAN BUREN, *Secretary of State.*

Mr. Rives to Mr. Van Buren.

[No. 50.] PARIS, *October* 20, 1830.

SIR: I have now the honor to enclose you a copy of the expected letter from the Minister of Foreign Affairs. I retained my despatch yesterday to the latest moment which the arrangement of the mail admitted, in the hope that the letter would arrive in time to accompany it. Being again disappointed, I went to the Office of Foreign Affairs, as I had done the day before, to urge the importance of transmitting the letter without delay; but, in the moment of arriving there, I found a messenger charged with it, and just leaving the office to bring it to me. The delay, it seems, had arisen from the circumstance that the draught of the letter made in the bureau of the director, not being found satisfactory, the minister determined to write it himself; but his time having been very much occupied in council, to which some agitations in Paris, for the last three or four days, had furnished occasion for important deliberations, he had not been able to prepare it earlier. As a declaration of the dispositions and intentions of the new Government on the subject of the claims, and as an express recognition of the principle of them, it seems to be fair, manly, and candid; and if the proceedings of detail which are to follow should be in the same spirit, we may look forward to an amicable termination of this unpleasant controversy.

I have the honor to be, with great respect, your most obedient servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

[TRANSLATION.]

PARIS, *October* 19, 1830.

MONSIEUR: I hasten to announce to you that the King, wishing to bring to a conclusion, as soon as possible, the negotiation commenced between you and the late Government on the subject of the private reclamations which interest the two countries, has just named a special commission charged to examine all these reclamations, and to lay down the basis of a projet of treaty, which will become the object of a communication I shall have the honor to make to you as soon as it shall be finished. Admitting the principle which is the basis of the reclamations, the French Government has wished that all the claims to which it may be applicable should be carefully examined, and the work of the commission cannot but tend to abridge delays, and to accelerate the conclusion of an arrangement equally desirable for both countries, and proper to draw closer the bonds of friendship and good understanding which already exist between them.

Accept, Monsieur, the assurances of my high consideration.

MOLÉ.

Monsieur RIVES,
Minister of the United States.

Mr. Rives to Mr. Van Buren.

[No. 51.] PARIS, *November* 8, 1830.

SIR: I had the honor to receive, on the 1st instant, your despatch No. 17, under date of the 27th September, accompanied with a letter from the President to the King of the French, accrediting me as envoy extraordinary and minister plenipotentiary of the United States near his Majesty. I immediately put the Minister of Foreign Affairs in possession of a copy of the letter, and requested him to ascertain and inform me when it would be the pleasure of the King to grant me an audience for the purpose of delivering the original. The minister sent me a note the next day, informing me that the King would receive me on the following day, the 3d instant.

The King received me in a very cordial and flattering manner. In replying to the brief address I made him, in conformity to usage and the instructions of the President, he repeated, with much warmth, the friendly sentiments he had heretofore expressed to me for the United States; said he had been much moved by the accounts of the enthusiastic welcome we had given to the late revolution which had brought him to the throne, and that he had nothing more at heart than to cherish the most friendly relations with the Government of the United States, of which he desired me to give the President the most explicit assurances.

In the course of the address I made to the King, thought it would be well to make an allusion to the unsettled differences between the two countries, with the view of eliciting a renewed expression of his feelings and intentions on that subject, since it had been brought more particularly under his consideration. I therefore remarked, that the United States, desiring more than ever to cultivate a cordial friendship with France, on account of the esteem they had always cherished for his Majesty's personal virtues, it was with particular satisfaction that the President saw, in those distinguished attributes, a certain guaranty that the only circumstance which could prevent or impair that friendship would be now speedily extinguished by his Majesty's enlightened sense of justice. The King took up the allusion with great frankness: he said he had told me, immediately after his accession, that every thing should be done on his part to settle those differences satisfactorily; that, accordingly, among the first acts of his Government, had been the adoption of such measures as seemed to him best calculated to lead to a speedy and just result; that they should be pursued with earnestness and good faith; that it was true our reclamations would impose an inconvenient burden upon his Government in the present embarrassed state of its finances; but, nevertheless, justice ought, and, so far as depended on him, should be done.

The dispositions of the King, as well with regard to this subject as the general relations between the two countries, are every thing we could desire. The difficulty exists in the extreme reluctance of the nation to pay any more indemnities, and the necessity which the Government feels itself under of consulting the representatives of the nation, and of securing their approbation to any arrangement which may be ultimately concluded. The commission, of the formation of which I have already apprised you, has grown entirely out of this feeling.

I have, of course, had no direct or formal communications with it; but my personal relations with several of its members, particularly ——— and ———, have enabled me to learn something of their proceedings, as well as to supply information, from time to time, which seemed necessary to a proper elucidation of the subjects of their investigation. Some of the members of the commission, I apprehend, are very strongly opposed to our claims, and even those who are more favorably disposed give back before the pecuniary operation, and evince a desire either to protract the adjustment, or to make a great reduction in the amount of the claims. They are unanimous, I learn, in the opinion that the French construction of the eighth article of the Louisiana treaty is correct. Even ———, with the favorable sentiments he might be supposed to entertain in regard to the American side of the question, tells me that he cannot view that article in any other light than as securing to France a special advantage, and that, according to our construction, there would be nothing special in it. I can hardly suppose, however, that they will be disposed to make of this article a complete bar to our claims.

A week or two more will, in all probability, elapse before they will make their report to the minister. I shall continue to avail myself of every opportunity of explana-

tion and candid representation to those members of the commission with whom I have personal relations, to lead them to a just conclusion, without, however, entering into such formal communications as might seem to make us a party before the commission, or afford a color for pretending that we ought to acquiesce in the result of a proceeding completely unilateral and *ex parte*.

Another impediment to the progress of our claims has recently occurred in the change of ministers, of which, with its causes and attendant circumstances, you will see a full account in the journals accompanying this despatch. After a series of abortive deliberations, which held all France in painful suspense for more than a week, the ministry was new-modelled by the following changes: Mons. Lafitte, late President of the Chamber of Deputies, succeeds Baron Louis as Minister of Finance, with the superadded character of President of the Council; Count Montalivet takes the place of Monsieur Guizot as Minister of the Interior; Marshal Maison that of Count Molé as Minister of Foreign Affairs; and Monsieur Mérilhou that of the Duke de Broglie as Minister of Public Instruction; General Sebastiani, Marshal Gerard, and Monsieur Dupont de l'Eure, members of the late ministry, retain their places in the new, as Minister of the Marine, Minister of War, and Minister of Justice, respectively. The change is supposed to be in favor of liberalism, and a more rapid development of the consequences of the late revolution, though I doubt much whether it will be followed by any marked alteration in either the internal or foreign policy of the Government.

The change of Minister of Foreign Affairs will, at least, throw us back in regard to the claims, if it should be attended with no worse consequence to them. Count Molé was beginning to make himself well acquainted with them, and had given evidences of a disposition to act upon the subject in a spirit of good faith and conciliation which promised a good result. Supposing dispositions equally favorable in the new minister, of which I have yet had no opportunity of judging, not having been so fortunate as to see him, when I called, a few days ago, to converse with him, some time must necessarily elapse before he can, with the abundant occupation which European affairs now give him, make himself master of so complex a subject, with which, I presume, he has been heretofore entirely unacquainted.

The speech of the King of England produced great sensation here, and gave rise to much variety of interpretation. Its tone seems to me to be decidedly opposed to that principle of non-interference with the internal affairs of other countries which France had laid down as the new public law of Europe. The Government of France, however, in its great desire to preserve peace, (which the King told me was the most anxious wish of his heart,) seems content to put a different construction upon it; and, with the continuance of these strong pacific dispositions on its part, war may yet be avoided, though not without great difficulty.

I have the honor, herewith, to return the blank sent with your despatch of the 27th September, and remain, with great respect, your most obedient and most humble servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

Mr. Rives to Mr. Van Buren.

[No. 55.] PARIS, *December* 18, 1830.

SIR: I am not yet enabled to communicate to you the close of the labors of the commission charged with the investigation of the claims. In my last despatch, I mentioned that the commission had called for additional documents which they supposed would be useful in fulfilling the object of their inquiries. The application was addressed to the Department of Foreign Affairs during the short ministry of Marshal Maison, but, it seems, was not then acted on. It was not until after my first interview with the present minister that it was taken up; and the documents called for being then considered as not pertinent or necessary to the inquiries with which the commission was charged, a letter to that effect was addressed by the minister to the president of the commission.

Among the pieces of information which the commission had called for, they had requested the minister, it seems, to obtain from me a list of our claims, arranged into classes corresponding with those indicated in my projet of a treaty. The minister replied to them, that, as they were required to express their opinion on the validity of the several classes of claims, in principle only, it could not be important to them, in that view, to know the number or amount of the claims comprehended in each class, nor would it be proper for him to apply to me for such a statement. In a meeting of the commission, however, which was convoked shortly after the receipt of the letter addressed by the Minister of Foreign Affairs to the president of the commission, it was determined that an inofficial application should be made to me by one of their own members, for such statements of our claims as I might be able to present, and should not be indisposed to communicate. This application was made to me, on behalf of the commission, by ——— ———. As the commission was charged, among other things, with suggesting "the basis of a treaty," and as they, as well as the minister, had evidently in view a transaction *en bloc*, I thought it desirable that they should possess as full a view as could be presented of the amount of our claims, (of which I had reason to apprehend that they had not yet had an adequate idea,) and I did not hesitate, therefore, to comply with their request. We therefore compiled, from the materials in the office of the legation, and chiefly from the schedules communicated to Congress from the Department of State, a tabular statement of the claims, (without any particular classification of them, however,) framed in such a manner as I thought best calculated to answer the purpose in view, which was sent to ——— ———, with a note, of which a copy is herewith enclosed.

In my communication with the members of the commission, as well as with the minister, I have not ceased to urge all the important considerations which call for the speedy settlement of this question. The state of feeling existing here at present, however, has imposed upon me the necessity of preserving as much delicacy in the manner of my importunities as the subject admitted. Insinuations have reached me, repeatedly, that the pressure of our claims at the present moment, when the finances of France were so much embarrassed, and when her safety was so seriously threatened by enemies within and without, was not reconcilable with the sympathy we had professed in the revolution she had just accomplished, or with a proper sensibility to the services she had rendered us in our own revolutionary struggle. Objections of this character have been encountered in quarters where there might have been the least reason to apprehend them.

In the conversations I have had with the members of the commission, these sentiments have been several times manifested, and by none more frequently than by ———, whose habitual remark to me is, that "the present moment is not well chosen for the settlement of this business." After reminding him that a delay of twenty years had already taken place, and that the late Government was on the point of doing us justice when its existence was terminated by the revolution, I have said to him that we thought we had a right to expect dispositions at least equally just from the present Government; and that it was,

in fact, the interest of France, no less than of the United States, that a question which, so long as it should remain unsettled, must be a source of heart-burnings and discontent, should be now definitively adjusted, and that nothing should remain to obstruct the full exercise of those friendly feelings which the two nations cherish for each other.

These and similar considerations have, I flatter myself, had their proper influence on all to whom I have had occasion to address them, and the matter is now in a train which cannot fail, I hope, to lead to an adjustment. My hopes of this are materially strengthened by the recent designation by the commission of ———— to examine the documents referred to them, and to prepare their report. This work had been expected of their president, ———, whose general sentiments towards the United States, as well as his particular dispositions on the subject of the claims, are, I have reason to believe, far from being favorable.

I have not thought it necessary to have an official interview with the Minister of Foreign Affairs since my last despatch, though I have had several conversations with him in occasional meetings in society. Nothing, however, of sufficient importance, has passed in those conversations to merit special communication, as he seems to feel himself bound to await the report of the commission.

At this moment, an intense anxiety occupies all minds here in regard to the trial of the ex-ministers, which is now going on, not only on account of its particular result, but the effect which that result may have on the popular feeling. It is to be hoped that all will pass well, though it cannot be disguised that there is great inquietude. A few days more will terminate this painful suspense, as it is understood that the court of peers will certainly pronounce their judgment by the 25th of this month.

The journals which accompany this despatch will inform you of the important events which have recently occurred in Poland. Very few details have reached Paris, but enough is known to give them a character of great gravity, and to cause their further progress to be looked to as likely to have a most important influence on the general state of Europe.

I have the honor to acknowledge the receipt of your despatch No. 19, under date of the 18th October last; and remain, with great respect, your most obedient servant,

W. C. RIVES.

To the Hon. M. VAN BUREN, *Secretary of State.*

Mr. Rives to Mr. Van Buren.

[No. 60.] PARIS, *January* 18, 1831.

SIR: I had the honor to receive, a week or two ago, your despatch No. 21, enclosing two autograph letters from the President to the King of the French, in answer to letters received from his Majesty, announcing, respectively, his accession to the throne, and the death of his uncle the Duke of Bourbon. I solicited, through the Minister of Foreign Affairs, an audience of the King, for the purpose of presenting these letters, which was granted on the 14th instant.

I thought the occasion might be usefully and properly embraced, to express to the King the sentiments of personal respect and esteem entertained by the President towards him, and the especial reliance which the President placed on the virtuous and distinguished qualities of his Majesty, to bring to a speedy and happy termination the differences between the two countries. I remarked to his Majesty that the President felt persuaded that there were no two countries which, in the natural state of their relations, had more motives to cultivate a cordial good understanding with each other than France and the United States—motives, the force of which had been increased by his Majesty's accession, and by the sentiments of esteem and affectionate recollection which were every where cherished towards him in the United States; and, in proportion as the President sincerely participated in these sentiments, he ardently desired that every germ of discontent which might disturb the future harmony of the two Governments should be eradicated from their relations as speedily as possible.

The King, in reply to these remarks, reiterated the sentiments he had heretofore expressed to me, and referred to the measures he had taken with a view to bring the differences between the two countries to a conclusion. He said he was sorry that the President could not have felt himself authorized, in his message, to assure Congress that every thing had been done with that view which could have been done; and then asked me if the commission was not "in activity;" to which inquiry, deeming it best to respond in an indefinite manner, the King proceeded to say that, since reading the President's message, he had "remonstrated" against all unnecessary delays in the prosecution of the business, and assuring me that every thing should be done on his part to bring it to the earliest termination, notwithstanding the disastrous state of their finances. He concluded the interview by requesting me to thank the President for the handsome things he had said of their revolution in his message, and for the friendly sentiments towards himself which had just been expressed by me in the name of the President.

The day after my audience with the King, I received a note from ————, a copy of which is enclosed, and which, in the pressure he mentions as being made upon him by the minister, seems to furnish some proof of the "remonstrances" of the King. In the evening of the same day that I received ————'s note, I had a conversation, also, with the minister, in which he assured me that the commission was actively prosecuting its labors, and as soon as its report was made, he would enter upon the subject with me, in the sincere wish to bring it to an early and friendly conclusion.

I have the honor to be, with great respect,
Your most obedient servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

Mr. Rives to Mr. Van Buren.

[No. 61.] PARIS, *January* 28, 1831.

SIR: Not having yet received a new full power, and as the want of such a one, adapted to the change of Government here, might give rise to difficulties or delays in the conclusion of an arrangement by treaty, more particularly if special commissioners should be appointed to treat with me, as it is possible, after the presentation of the report of the commission, there may be, I beg leave to recall this circumstance to your recollection. It is desirable that the new "full power" should be as comprehensive as the one furnished me on my departure from the United States, and that it should be sent to me with the least possible delay.

I have the honor to be,
With great respect,
Your most obedient servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

P. S. The authority contained in the "full power" with which I was furnished on my departure from the United States, is of the following tenor: "For and in the name of the United States, to meet and confer with any person or persons authorized by his Most Christian Majesty, being furnished with like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning the claims to indemnity of citizens of the

United States on the Government of France, or of subjects of France on the Government of the United States, and concerning the general commerce between the United States and France, and its dominions or dependencies, and of all matters and subjects connected therewith, which may be interesting to the two nations; and to conclude and sign a treaty or treaties," &c. &c.

Mr. Rives to Mr. Van Buren.

[No. 62.] PARIS, *February* 8, 1831.

SIR: Being convinced, from my communications with ——, that the researches in which he was engaged, and the views he was preparing to present of our claims, were of much importance, and calculated to enforce upon his Government, both in point of justice and policy, the obligation of discharging them, I thought it best, during the progress of his labors, to abstain from any measure which might injuriously precipitate the presentation of his report; intending, so soon as he should be ready to make his report to the commission, to review my pressure upon the minister, with a view to accelerate the action of the commission when the work of —— should be before them.

On the 30th ult., I learnt from —— that his report was nearly finished, of which he had given notice to the president of the commission, and that the commission had been, in consequence, convoked for the first day of this month to receive it. On the following day, therefore, I addressed a note to the Minister of Foreign Affairs, of which a copy is enclosed, and in which, as you will perceive, I urged upon him with earnestness the necessity of advancing towards a final adjustment of the subject.

Having received no answer to this note, I went yesterday to the Department of Foreign Affairs, for the purpose of inquiring of Baron Deffandis, the directeur, whether my note had been received, and to make use of the occasion to present such observations as I might think best calculated to awaken the attention, and stimulate the speed of the department. Baron Deffandis being detained from his bureau by sickness, I asked to see the sous-directeur, who informed me that an answer to my note had been drawn in the bureau several days ago, but that the minister had been so much occupied with other pressing affairs that he had not signed it. The purport of the answer, he told me, was to inform me that the commission had not yet made their report, that they were now busily engaged in preparing it, and as soon as it was presented to the minister, as it was expected to be in a very short time, he would enter into a communication with me on the subject.

I remarked to the sous-directeur that great and very unexpected delay had already taken place; that the backwardness of the new Government of France in the adjustment of claims for which its responsibility could no longer be denied, had created much disappointment in the United States, and was calculated to have a very prejudicial influence on the relations of the two countries; and that, however much the attention of the minister might be occupied with other affairs, there was no object which more nearly concerned the true interests of France, than to conciliate, by an act of justice, the United States, whose commerce at all times, and whose friendship in the event of war, were resources of such incalculable value to her. The sous-directeur told me that he should see the minister in the evening; that he would communicate to him the observations I had made, and suggest to him to address a note to the president of the commission, urging the necessity of their making their report as speedily as possible. I have the honor to be, &c.

W. C. RIVES.

To the Hon. M. VAN BUREN, *Secretary of State.*

PARIS, *January* 31, 1831.

The undersigned, presuming that ample time has been afforded for a full examination of the reclamations of the Government of the United States on behalf of its citizens, to which the undersigned has had the honor of earnestly calling the attention of his excellency Count Sebastiani, and the final adjustment of which it is so important to the harmony and good understanding of the two Governments should be no longer delayed, requests the honor of a conference with his excellency on that subject at as early a day as may suit his convenience.

He prays his excellency to accept the renewed assurances of his distinguished consideration.

W. C. R.

To his excellency COUNT SEBASTIANI,
Minister of Foreign Affairs.

Mr. Rives to Mr. Van Buren.

[No. 63.] PARIS, *February* 18, 1831.

SIR: I have now the honor to enclose a copy of the answer of the Minister of Foreign Affairs (received the day after the date of my despatch) to the note I addressed to him on the 31st ultimo.

The commission have not yet made their report to the minister. They were to have met on Monday, the 14th instant, for the purpose of resuming their deliberations on ——'s report; but one or two of the members being absent, in consequence of the agitations which took place here on that day, those who attended did nothing, and adjourned the meeting to Monday, the 21st.

From what I have been able to learn of ——'s report, it is favorable throughout to the principle of our claims. It excludes, however, the claims of American citizens in the nature of debt, or of supplies, as being alien to the general scope of the controversy between the two Governments, and also American claims of every description originating previous to the date of the Louisiana arrangement in 1803, which has been invariably alleged by this Government to be in full satisfaction of all claims then existing. It also assumes the original cost of the shipments, and not their enhanced value, actual or speculative, in the markets of Europe, to be the fair average measure of compensation in a political transaction like the one in view. It sets, I understand, in a strong light, the atrocious character of the acts of the Imperial Government towards the United States, and enforces the obligation of the Government of France to indemnify our citizens for the wrongs they sustained by those acts, whether committed under the sanction of the Berlin and Milan decrees, or by virtue of other orders and proceedings less formal and regular in their character. On these points, however, it does not, I hear, meet with a thorough acquiescence on the part of all the members of the commission.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

[TRANSLATION.]

PARIS, *February* 6, 1831.

SIR: I have received the note which you did me the honor to address to me yesterday, and in which you express a desire to have an interview with me on the subject of the claims which you are charged to urge near the Government of the King.

I shall always be very ready, sir, to confer with you upon this important subject; but the commission to which the care of examining it has been confided, has not yet terminated its labors.

It was only within the last few days that the commission was to have heard its reporter; and its opinion will, without doubt, be soon addressed to me. It is only after having received that opinion that I shall be naturally able to form my own opinion on the subject in question, and to confer upon it with you in a manner calculated to bring the negotiation to the final adjustment which the two Governments have mutually so much at heart.

As soon as the communication, which I expect, shall have been received, I will hasten to inform you of it, and to indicate the day and hour for a conference.

I have the honor to be,
With great consideration, sir,
Your most humble and obedient servant,
HORACE SEBASTIANI.

To Mr. Rives,
Minister of the United States.

Mr. Rives to Mr. Van Buren.

[No. 64.] Paris, *March* 10, 1831.

Sir: Having recently obtained a copy of the enclosed document, it has appeared to me to be of so much importance, particularly for the light it sheds on the real state of my negotiations with the late Government at the period of its fall, that I have thought it my duty to communicate it to you. It is the report presented by the Minister of Foreign Affairs to the King, in the month of October last, on the subject of our reclamations, and proposing the renewal of the negotiation with me. It was prepared by Baron Deffandis, the directeur of that division of the Department of Foreign Affairs in which the United States are comprehended, and who, in the same quality, you will recollect, had the management of the correspondence, and, in a great part, of the negotiations with me under the ministry of Monsieur Polignac.

It will be seen from this document, that the opinion expressed by me in my despatch of the 29th of July last, that I should have been able, in some short time, to have effected a settlement of this long pending and disagreeable subject with the late Government, but for its sudden and unexpected overthrow, did not rest on slight grounds. The report shows that the great obstacle of the Louisiana question, which had defeated all prior attempts at negotiation, had been successfully removed; that the Government of the Bourbons had become convinced that the ground heretofore taken of irresponsibility for the wrongs of the Imperial Government could not be maintained; and that they had, in fact, made up their minds (without negativing the others) to expressly admit five important classes of our reclamations, comprehending condemnations (heretofore deemed altogether desperate) as well as sequestrations.

To appreciate the true extent and importance of these admissions, it will be necessary to turn to the projet of a treaty, communicated with my despatch No. 16, under date of February 25th, 1830, which is referred to by the report as classing our reclamations into nine general categories. The second article of the projet, which relates exclusively to condemnations, consists, as you will perceive, of six numbered subdivisions. In order to make out the nine categories of which the report speaks, it is to be presumed that they have also subdivided the first article, so as to make three additional categories of it, of which the first category would be sequestrations, where the property "had not been definitively condemned by the Council of Prizes;" the second, "vessels destroyed at sea;" and the third, "supplies."

The categories, therefore, which the late Government had already determined to admit, were the first and second of the first article of the projet, and the fifth of the second article, upon the examination made by the commission of liquidation of foreign claims; and the third of the first article, and the fourth of the second article, upon the supplemental examination made by the Department of Foreign Affairs.

As to the vague and conjectural estimate which the report attempts, without the aid of sufficient data, to make of the amount embraced by some of the categories admitted, it is obviously incorrect. That, however, is altogether immaterial, as the respective categories being admitted on principle, they would, of course, carry whatever amount the principle could be shown to embrace; and it should be recollected that the object in view, with the late Government, was not a transaction *en bloc* for a round sum, but a settlement of principles, according to which a mixed commission was to decide upon the claims presented, and to determine the amount to be paid. A correct analysis of the claims shows that the categories admitted by the late Government embrace, under one head or another, almost the whole mass of reclamations. The first category of the first article of the projet alone (the amount embraced by which, the report supposes not to be considerable) comprehends, in fact, more than one-half of the whole amount of the claims, as will be seen by reference to the classification of the claims contained in my original instructions, where the category in question is represented by part first of the fifth class.

With the extensive ground thus secured, and in the dispositions produced by the appeals I had successfully addressed to their commercial apprehensions, (the influence of which, together with that of other considerations employed by me, you will doubtless trace in many parts of the report, sometimes in the identical reproduction of the topics I had urged to them,) there is no reason to suppose that any questions which might have remained would have opposed an obstacle to a final adjustment.

The concluding part of the report expressly shows that the negotiation now pending with the actual Government of France reposes on the ground conquered from the last; and whatever new hopes may have been conceived by our citizens, from the change of regime here, every day's observation convinces me the more that, if any thing shall be ultimately done towards the redress of their wrongs, it will be the result of the progress made under the late Government.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. M. Van Buren,
Secretary of State.

P. S. You will perceive that the recent change in the arrangement of the packets, which now leave Havre but twice instead of thrice a month, has occasioned a longer interval than usual between my despatches.

Extract of a letter from Mr. Rives to Mr. Van Buren.

[No. 67.] Paris, *March* 30, 1831.

Sir: Having been informed by the Minister of Foreign Affairs that the commission were to make their report on Monday, the 21st instant, I addressed a note to him on the 23d, asking an interview, which took place, by his appointment, on the 26th. I soon found, however, from my conversation with him, that the report had not yet been made, and that he was not prepared to enter into any conference of a useful character on the subject of the reclamations.

I reminded him how many unexpected delays this question had already met with since the establishment of the present Government; that, when his Majesty came to the throne, a universal and confident expectation prevailed in the United States that justice would be immediately

done to our reclamations; that nine months had now elapsed, and we were not so far advanced as under the late Government; that the commission, which had been announced to me as a means of accelerating the business, had been an obstacle; that these disappointments could not but exercise a very unfavorable influence upon the relations of the two countries, which were already, in fact, far from being satisfactory, and which it was no less the interest of France than of the United States to establish upon a different footing.

To these remarks he replied, that, in matters of a litigated character, (contentieux,) it had been always the usage in France to form a commission for a preliminary examination of them; that the investigations of the commission, in the present instance, had been necessarily long; that their report was probably now signed, and, as soon as it was presented to him, he would enter upon an examination of the subject himself, and that, "in the course of a month, it should be terminated."

Since my interview with the minister, the report of the commission, at least upon the most important of the questions submitted to them, has been made, and was put into his possession, I learn, on the 28th instant. It presents the opinions, I understand, of both the majority and minority of the commission, (as I mentioned to you, in my last despatch, that I had heard it was proposed to do,) the majority consisting of four, including the president of the commission—the minority of only two.

From what I have been able to learn of these opinions, that of the majority is of a character calculated to excite much surprise. They undertake, I understand, to defend the general system of measures adopted by the Imperial Government, comprehending the Berlin and Milan decrees, as well as the Rambouillet and other special decrees, as being justified, on the principles of the law of nations, by the conduct of the British Government on the one hand, and that of the American Government on the other. Assuming the general legality of this system of measures, they come to the conclusion that no redress is due for cases in which there was a regular application of it; but that, in cases where it was abusively or irregularly applied, indemnity may be demanded. The result of this view is, that they consider only three categories of claims as admissible, to wit: vessels burnt at sea; captures made after the 1st of November, 1810, the period fixed for the report of the decrees; and cases in which the decrees may have been applied retrospectively.

The minority of the commission, (who are understood to be ——— and ———,) considering this whole system of measures as violating the principles of the law of nations, as well as the provisions of the convention of 1801, until the period of its expiration, recognise our claim to indemnity in all cases where it was applied, whether regularly or irregularly, to a fair and *bona fide* commerce. Both branches of the commission have, I understand, indicated the sum which they supposed to be fairly demandable by the United States, according to the principles assumed in their respective opinions; the majority between ten and fifteen millions of francs, the minority about thirty millions of francs.

They have made a distinct report on the Louisiana question, in which they all concur in affirming the correctness of the French construction of the eighth article of the treaty of cession, and express, at the same time, the opinion that very little advantage would accrue to France from the suggested reduction of the duties on wine. They have not yet made their report on the claims of French subjects against the United States, although it is expected to be made in a very few days.

The character of these proceedings will serve to show in what little favor our reclamations are with France, and the extent of the difficulties that remain to be overcome in the settlement of this troublesome question.

Mr. Rives to Mr. Van Buren.

[No. 69.] PARIS, *April* 14, 1831.

SIR: Count Sebastiani having promised, in the interview I had with him on the 26th ultimo, to give his early attention to the subject of our reclamations, I sought and obtained, on the 4th instant, another interview with him, in the hope of commencing, seriously, the work of negotiation. I found him, however, still unprepared to enter into any useful discussion. He had read, he said, the reports of the commission, in part only, and could not, therefore, express any precise views on the questions in dispute. He added, however, that he had gone far enough in the examination to see that our claims were greatly exaggerated; and, on the question of the eighth article of the Louisiana treaty, he said the interpretation of it by the French Government was so clear and incontestable, that he was much surprised that the American Government had ever insisted on a different construction.

I replied that, in regard to the amount of our claims, however large it might appear to him to be, the fact was well known, and vouched by the public history of the times, that the commerce and property of American citizens had been subjected to the most enormous violations by the acts of the Imperial Government; that while, on the one hand, I could not undertake to say that every claim contained in the tables I had communicated to the commission was well founded or accurately stated, yet, on the other, I had every reason to believe that there were claims of considerable amount and indisputable justice, which those tables did not embrace; and that, as he had already expressed to me the desire of the French Government to adjust the subject by a transaction, a desire which my Government was willing to meet in a friendly and equitable spirit, I awaited some specific proposition from him to that end. With respect to the Louisiana question, I told him that the Government of the United States, after the most mature and careful examination, was thoroughly convinced of the correctness of the interpretation for which it contended; that it was altogether useless to enter again into a discussion of it, as the arguments on both sides had been fully insisted on in the correspondence between Monsieur Polignac and myself, which I invited him to read; that we had never been able to see the propriety of connecting a litigated question of that character with the consideration of indemnities due to our citizens for violent and indisputable wrongs; and that the Government of the United States relied on the candor and good faith of the present Government of France to put aside all obstacles derived from an extrinsic and irrelevant controversy, which the United States had, moreover, proposed to settle by the fair and usual mode of a reference to the decision of impartial and enlightened arbiters.

In answer to these observations, the minister gave me to understand that he could not make any specific offer, with a view to a transaction, till he had the sanction of the council, before whom he proposed to lay the whole subject. In regard to the Louisiana question, after repeating his conviction of the obvious meaning of the eighth article of the treaty of cession, he said that, in what seemed to them so plain a case, the Government of France could not recognise the propriety of submitting its rights to the opinion of any third party. His declarations on this point were of so positive a character as to preclude all hope of settling the question otherwise than by means of the proposition made to Monsieur Polignac on the 20th May last; and the success of that, I fear, is likely to be counteracted by the opinion which the commission is understood to have expressed as to the little advantage that France would derive from the diminution of the duties on its wines in the United States. The interview terminated with a renewed promise on the part of the minister to occupy himself diligently with the subject of the negotiation, and to bring it to a close as speedily as possible.

On the 9th instant, I had another interview with him, but without any profitable result, or the occurrence of any thing which deserves to be made the subject of special communication. He said that the pressure of other duties upon him had prevented him from making any progress in his investigation since our last interview; that the Chamber of Deputies would be dissolved in the course of a week, and that he would then be enabled to give more of his attention to our negotiation, the importance of which, to both countries, he properly estimated, and which he felt every disposition to bring to an early conclusion.

The report of the commission on the claims of French subjects against the United States, has not, I understand, been yet made.

In my last despatch, I stated that, from what I had been able to learn of the opinion of the majority (consisting of two-thirds) of the commission, they had indicated between ten and fifteen millions of francs as the amount of indemnities demandable by the United States. Information since received, upon which I can rely, fixes ten millions of francs as the precise sum indicated by them. The same authority confirms my original statement as to the sum indicated by the two dissentient members of the commission.

Nothing has occurred since my last despatch to form any exception to the tranquillity which then characterized the internal condition of France. So far, the measure and policy of the new ministry appear to have been attended with a flattering success.

The news of the recent successes of the Poles, of which you will find ample details in the accompanying journals, together with the simultaneous occurrence of an extensive insurrection in the province of Lithuania, has given new hopes to the friends of that heroic and devoted people.

The state of Europe, in other respects, has undergone no material alteration since my last despatch, though appearances are somewhat more favorable in regard to the preservation of peace.

I have the honor to acknowledge the receipt of your despatches Nos. 28, 29, and 30,

And remain, with great respect,

Your most obedient servant,

W. C. RIVES.

To the Hon. M. Van Buren,
Secretary of State.

Mr. Rives to Mr. Van Buren.

[No. 70.] Paris, *April* 28, 1831.

Sir: On the 16th instant, I again had an interview with the Minister of Foreign Affairs, in which I pressed the necessity of making some specific proposition, on his part, with a view to bringing our discussions to a practical issue. He said I must indulge him till the prorogation of the Chambers, which was to take place certainly on the following Wednesday, the 20th instant; when, being relieved of a portion of his burdensome duties, he would turn his attention earnestly to our affairs, with the sincere purpose of bringing them to a conclusion.

I remarked to him that I hoped he was not unmindful of the great importance of a speedy settlement of this controversy to France as well as to the United States; that, however pressing other questions might be, there was none, I believed, of more real importance to France than one on which depended the preservation of friendly relations with the United States; that it was impossible that the relations between the two countries could much longer remain in the equivocal state into which they had been brought by the continued postponement of our just reclamations; that I had been instructed to bring the subject to a definitive conclusion, one way or the other; and that, however much the Government of the United States desired such a result, as conforming to the dictates of justice, and would be the means of consolidating the friendship of the two countries, it believed that a decisive result, whatever might be its nature, was now imperiously called for by the character and dignity of both Governments.

After an earnest conversation of an hour, in which I endeavored to impress upon the minister, under various points of view, and by the exhibition of details, the great importance to France of friendly connexions with the United States, while he, not denying the justness of those views, spoke of the intrinsic difficulty of all money questions in a representative Government, increased, in the present instance, by the almost unanimous report of the commission, (points on which I addressed to him, in reply, the observations which seemed to me appropriate,) the interview terminated with the repetition, by the minister, of the promise he had already made, that, after laying the subject, at an early day, before the council, he would make me a specific proposition.

Having already experienced the uncertainty of these promises, and knowing that, in the habits of French diplomacy, no great importance is attached to verbal communications, I determined to make a more formal appeal to the attention of the Government, in writing. This appeared to me the more necessary, as Monsieur Deffandis, the directeur of the second division of the Department of Foreign Affairs, in a conversation I sought with him, intimated to me that, although the minister had proposed a transaction *en bloc*, it could be arrived at regularly only by a previous discussion on the several categories of claims contained in the projet of a treaty originally submitted by me. The most effectual means of cutting off this discussion, now become useless for all purposes but those of delay, seemed to be to place on record the proposition for a transaction *en bloc*, which had, with the consent of both parties, put aside the original projet. On the 21st instant, the day after the prorogation of the Chambers, therefore, I addressed to the Minister of Foreign Affairs a note, of which a copy is enclosed, in which, after urging the necessity of a definitive adjustment of this subject, by a combined appeal to the interests, the honor, and the good feelings of France, I stated formally the assent of the United States to the wish which he had expressed for closing the affair by a transaction *en bloc*, and called upon him to make me a specific proposition with a view to that result.

Meeting with him two days after the presentation of this note, I proposed to call upon him the following day to receive his proposition; but he requested me to postpone my call two days more, to the 26th instant, when he hoped to be able to make me an offer. On that day, accordingly, I waited upon him, and found Monsieur Deffandis with him, who remained during the whole of the interview.

The minister commenced the conversation by stating that he felt a sincere desire to see the two countries united in the bonds of the closest friendship; that the only mode of attaining this result was, by a simultaneous adjustment of all differences by one and the same transaction; that France had her complaints as well as the United States; that she had been deprived of most valuable privileges secured to her navigation by the eighth article of the treaty of cession of Louisiana, and the proposition he was about to make to me contemplated the payment by France of such a sum as might appear to be fairly due to the United States, after balancing against our reclamations the value, both past and prospective, of her rights under the Louisiana treaty.

I remarked that the Government of the United States would never consent to any reduction from the incontestable claims of its citizens on account of this disputed, and, as it is believed, wholly unfounded pretension of

France under the eighth article of the Louisiana treaty; that there was no proper connexion between the two subjects; that the Government of the United States, however, while it was firmly and irrevocably determined never to admit any abatement of the just demands of its citizens on account of the pretension in question, had already, in a spirit of conciliation and friendly liberality, proposed a choice of two distinct bases for its arrangement; one of which, in fact, had been acceded to by the late Government.

Monsieur Deffandis here interposed, by observing that although the late Government had given its assent to the bases referred to, yet it had been done in a confidential correspondence, which did not carry with it an absolute obligation.

After some further conversation on this topic, which amounted to very little more than a repetition of what had been said in former conferences, Count Sebastiani, referring to the report made by the commission, said, that notwithstanding the great weight due to that report, his Majesty's Government, in its sincere desire to give satisfaction to the United States, had determined not to limit itself to the sum indicated by the commission, but, in a spirit of signal good faith, (avec une bonne foi extreme,) had authorized him to propose the sum of fifteen millions of francs as a definitive adjustment of all the subjects in controversy between the two countries.

I replied to him that I was altogether astonished at such a proposition; that the Government of the United States, instead of seeing in it an evidence of good faith, could regard it in no other light than as a mockery, and equivalent to an absolute refusal of justice; that if it was to be considered as a definitive proposition on the part of France, I had only to say that the negotiation was at an end, and that it would be for each Government to recur to its rights, and its sense of its own dignity and honor.

He protested that the French Government thought it far from being an unreasonable offer, and that I must reflect upon it.

I replied that such a proposition did not require a moment's reflection; that it was not only unreasonable, but derisory; and that no other answer could be given to it than that which I had already expressed.

In the course of this interview, which continued more than an hour, many incidental points, such as the alleged exaggeration of the amount of the claims, the true measure of indemnity as depending on the original cost of the cargoes in the United States, or the enhanced sales in France, &c. &c. &c., were earnestly discussed on both sides. It is not deemed important, if it were practicable, to recapitulate all that was said. The interview terminated with a firm renewal of the declaration I had made, if the proposition of the minister was to be regarded as definitive; while he, not willing to say that it was so, begged me to reflect upon it.

Having already had several conversations with Monsieur Casimir Perrier, the President of the Council of Ministers, on the subject of our reclamations, and knowing the great influence which his character and official station would give him in the ultimate decision of the question, I had addressed a note to him, requesting a conference; for which his answer fixed the 27th instant, the day after my interview with the Minister of Foreign Affairs.

I waited on him at the time appointed, and commenced the conversation by calling his attention to the high interests for France involved in a good understanding with the United States, the preservation of which must now depend on the adjustment of the controversy which had already so much disturbed the natural relations of the two countries. I told him how totally inadmissible was the proposition made, the day before, by Count Sebastiani, and that I hoped he would see the necessity of authorizing him to make one of a very different character. He said he felt all the importance of cultivating good relations with the United States, and that he was sincerely desirous of adjusting this ancient controversy, but that their finances, as I saw, were exceedingly deranged, and that there would be great difficulty in reconciling the Chamber of Deputies to an additional charge on the enfeebled resources of the State, for claims, too, which had not arisen from any wrong done by the present Government of France. Still he was anxious that justice should be done to the United States, and that the two countries should be restored to their national cordiality and good feelings; that Count Sebastiani, in a few days, would be authorized to make me another proposition, which he hoped would be satisfactory; and that the United States would be expected, on their part, to show a friendly consideration of the actual situation of France, by every practicable indulgence. This is but a brief outline of the conversation, which is sufficient, however, to give you a correct idea of its spirit and tendency.

In dining at the Palais Royal on the 25th instant, I had an opportunity of renewing the appeal to the personal sentiments of the King, in the course of a conversation which permitted me, without an appearance of importunity, to allude to the importance of consolidating, by an act of justice, the friendship between the two countries. The King expressed, as he has always done, very cordial sentiments for the United States; said he had frequently called the attention of his ministers to the necessity of settling our reclamations; that they had always regretted the embarrassed state of their finances, but he hoped they would yet find the means of doing justice.

Although the proposition made by the Minister of Foreign Affairs is a very discouraging *debut*, yet the feelings expressed by the King, and the declarations of the president of the council, superadded to the professions which have already been made by the Minister of Foreign Affairs, of a desire to terminate the existing differences with the United States in an honorable manner, forbid me absolutely to despair. I am aware, however, that general declarations are a very unsubstantial ground of hope; and the further progress of the negotiation, in which no exertion shall be omitted on my part, must be awaited, to form an opinion as to the possibility of bringing this old and disagreeable controversy to any admissible conclusion.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

Note to Count Sebastiani.

PARIS, *April* 21, 1831.

MONSIEUR LE COMTE: Although the various interviews with which your excellency has favored me, leave but little to add to the observations I have had the honor of presenting to you orally, in relation to the flagrant wrongs heretofore suffered by citizens of the United States from acts of the French Government, and for which indemnity has been so long demanded, it is, nevertheless, my duty, under the instructions of my Government, again to call your excellency's attention to the importance of an early and definitive disposition of this unpleasant subject.

The present unsatisfactory state of the relations between France and the United States cannot but be a subject of painful reflection to the patriots of both countries. There are no two Governments, it is firmly believed, which have more motives to cultivate a cordial good understanding with each other than those of his Majesty and of the United States; and yet such has been the unhappy influence of this long protracted question, that their relations, at the present moment, exhibit an aspect altogether

equivocal and precarious. This unnatural state of things, so contrary to the interests and sentiments of the people, the Government of the United States anxiously desires to see terminated.

Your excellency is apprised that the late Government of France, notwithstanding the pretexts for repelling our reclamations, afforded by the political doctrines it professed, was on the point of adjusting them, when the events of July last put an end to its existence. His Majesty's accession, in the pledges of his well known personal virtues, and in the elevated probity and high national morality which were announced as the ruling maxims of his Government, could not but give increased confidence to the expectation of a prompt and loyal termination of this unpleasant question. I need not say what, under these circumstances, would be the disappointment and painful impression produced upon the feelings of the Government and people of the United States, if they should now find their just demands opposed by new delays.

Your excellency, I flatter myself, cannot but see that the interests of France are deeply concerned in the speedy suppression of this germ of discord between the two countries. France cannot, it is hoped, regard with indifference the preservation of friendly connexions with the United States. Not to speak of the importance of those connexions to her, in a political point of view, arising from the position and resources of the United States as a maritime Power, her commerce alone with the United States is, in itself, a consideration sufficiently important to awaken all the attention of her enlightened statesmen. That commerce is shown, by the official documents of France, to be by far the most valuable foreign trade she now enjoys. It forms, indeed, at the present moment, the great support, externally, of the leading branches of French industry, and is destined, in the future, if fostered by a wise and friendly policy, to receive progressive developments, of which the rapid increase of population, and of the means of consumption over an immense territory, will be the only assignable limit.

Interests so vast and important ought not, surely, to be compromised, when nothing is wanting but an act of unquestionable justice on the part of France to place them on a stable foundation, and to open before them a career of unbounded extension. If that act of justice were now promptly and frankly rendered, the two Governments would at once return into the cordial relations natural to them; and the influence of those ancient attachments and faithful sympathies, of which the recent manifestations in the United States have been so enthusiastic and unanimous, would be seen in the lasting consolidation of a sincere friendship, and the rapid development of a varied and beneficial intercourse.

While, however, so fundamental a question as that involved in the pending reclamations shall remain unsettled, touching, as it does most intimately, the sensibility as well as the rights of the American people, there can be nothing stable or satisfactory in the relations of the two countries. It is in the ardent desire of preserving their harmony from interruption, and of establishing, on a lasting foundation, those friendly relations which are the interest of both, that the Government of the United States now insists upon the definitive adjustment of a subject which has been fruitful of so much discontent and unpleasant discussion.

I have already had the honor of submitting the projet of an arrangement, with a view to this result. That projet, after fixing the principles upon which the reclamations were to be liquidated, provided for the formation of a joint commission to examine and decide upon the validity of the respective claims, and to ascertain, in each case, the amount to be paid by France. Your excellency, however, has intimated to me that his Majesty's Government desires to settle the subject by a transaction *en bloc*, in which the United States shall agree to accept a gross sum in discharge of all the claims. My Government, anxious to conform, as far as possible, to the wishes and convenience of his Majesty's Government, will not object to concluding an arrangement on that basis.

I therefore await the proposition which your excellency has promised to make me to that end, trusting that it will be made without further delay; and that, keeping in view the magnitude and aggravated character of the injuries sustained by our citizens, it will be such a one as shall answer the great purposes of justice and conciliation.

I have the honor to be, with distinguished consideration, your excellency's most obedient and humble servant,

W. C. RIVES.

His exc'y Count Sebastiani,
Minister, Secretary of State for Foreign Affairs.

Mr. Rives to Mr. Van Buren.

[No. 71.] Paris, *May* 7, 1831.

Sir: The firmness of the declaration made by me, in my interview with the Minister of Foreign Affairs on the 26th ultimo, was not without its effect. On the 28th, he addressed me a note, (the copy of which is enclosed,) inviting me to another conference on the following day. I waited upon him accordingly, at the time appointed; he commenced the conversation by asking me if I had reflected upon the proposition he had made me in our last interview. To which I replied, that, having had twenty years to reflect upon our grievances, it required very little time now to decide upon the proposition he had made.

He then said he had again brought the subject before the council, and that they had, in a spirit of great liberality, authorized him to offer me twenty millions of francs. I answered that that sum was also entirely inadmissible, and I entered into various calculations, derived from sources independent of the tabular statements I had communicated to the commission, for the purpose of showing that the amount of the claims was not so much exaggerated as he supposed. These calculations were founded chiefly on a report of the Secretary of State, communicated by the President to Congress on the 6th of July, 1812, stating the whole number of American vessels captured or seized under the authority of France, taken in connexion with an averaged price deduced from an official return of the sales of thirty-six American vessels and cargoes sold by order of the French Government at Bayonne, on the 2d of August, 1810, and on the estimate presented by Mr. Barlow to the Duke d'Alberg, in 1812, of which I had no knowledge at the time that the statements communicated to the commission were prepared in the office of the legation.

The minister still insisted that our claims were vastly exaggerated, but said, as a last evidence of the equitable and friendly dispositions of his Majesty's Government, he would agree to go as far as twenty-four millions of francs, payable by instalments in six years, which was more than double the sum fixed by the commission; that this was their ultimatum, and he repeated several times, with much earnestness, that it was the extreme and last offer, (*le dernier mot.*)

I said to him that I would not accede to it; that however disposed the Government of the United States was to make every practicable concession for the sake of terminating this unpleasant discussion, the abandonment of so large a portion of the amount claimed by its citizens was a sacrifice it could not make.

He replied that the offer he had just made was one of extreme liberality; that it would subject the ministers to a severe responsibility before the Chambers; that he had been already warned from various quarters that he would be held to a strict account for his settlement of this affair; and added that Mr. Roux had written that fifteen millions

of francs would be willingly received by the claimants and by the Government of the United States; and that nobody in the United States expected more than twenty millions.

I remarked that it was hardly probable that Mr. Roux knew better than myself the expectations and feelings either of the claimants or of the Government of the United States; that, in regard to the difficulties he apprehended in the Chambers, their reproaches would certainly be much louder, if, by refusing to do an act of unquestionable justice, he should forfeit to France the advantages, so important to her both in a commercial and political point of view, of friendly relations with the United States; that the opposition had already reproached the ministry (unjustly, I have no doubt) with not having secured any allies for France in the existing crisis; and that nothing could afford a more triumphant answer to that reproach than to be able to say that they had re-established a cordial friendship with their ancient ally the United States, and at no other expense than that of fulfilling an obligation of the strictest justice.

The interview terminated with the renewed protestation, on his part, that the proposition he had just made was their ultimatum, "*le dernier mot*," and with the declaration, on mine, that I could not accept it.

Meeting with Monsieur Sebastiani the following day at the Palais Royal, on the occasion of the King's fete, and deeming it important to keep up an active pursuit of the subject now that it was under serious consideration, I asked him to indicate a time when I might have another conversation with him. He proposed an early hour the next morning, (the 1st of May,) when I called upon him, and remarked that, in an affair of so much importance to both countries, no effort at accommodation ought to be omitted. I said that though I could not accept the sum he had proposed the day before, yet the Government of the United States, animated with a sincere spirit of conciliation, would be willing to accept a sum considerably below the amount claimed; and I then mentioned the sum of forty millions of francs as one to which it might accede as a compromise.

He said the Government of France would never consent to such a transaction; that they had already done all that it was possible for man to do (*tout ce qui est humainement possible*) in offering twenty-four millions of francs; that they could go no further; that he and Monsieur Perrier were the only members of the council who were willing to go so far; all the rest were strongly opposed to it, and were exceedingly discontented that the offer had been made.

After many arguments on my part to show the liberal character of the proposition I had made, all of which were contested, and met by contrary statements on his, I remarked that the Government of the United States could not but see with painful sentiments the reluctance of France to satisfy its just demands, while those of all other Powers had been long ago discharged; and that, in the impossibility which seemed to exist of agreeing upon a transaction for a given sum, it only remained for me to recur to my original projet for the formation of a mixed commission to examine all the reclamations, and to determine the amount really due.

He said he did not think that the present Government of France ever could consent to put itself in the power of any tribunal, but that, upon the course which the negotiation ought now to take, he would consult the council.

Dining with the president of the council in the evening of the same day, I availed myself of the opportunity again to call his attention to the subject of the negotiation; but as the conversation was necessarily brief and hurried, I asked his permission to call upon him at some moment of leisure, as I was anxious to convince him, by the exhibition of some official and authentic documents, that the losses sustained by our citizens were not so much exaggerated as they had been represented to be. He proposed an early hour the next morning, when I waited upon him; but as he had just received a message to attend the King, the interview was adjourned to the following day, the 3d instant. I then called upon him, and showed him the statement of the number of captures, &c., presented to Congress in 1812, the official return of the sales made at Bayonne in 1810, the estimate of Mr. Barlow, &c., drawing from them the same conclusions I had done in my interview with the Minister of Foreign Affairs on the 29th ultimo.

He said he had already seen the most of these pieces; that he was satisfied the losses sustained by our citizens had been very great, though the amount of them still seemed to him very much overstated. It ought always, however, to be borne in mind that these losses had not proceeded from any act of the present Government of France; that our claims for indemnity, moreover, had been faintly urged during the whole period of the restoration; that the settlement of them ought to have been insisted on when the claims of the European Powers were adjusted; that it was particularly hard that the burden of their adjustment should now fall upon the existing Government in the present crippled state of its resources, and when all of its expenses were upon a war footing; that the Chambers would be exceedingly opposed to their payment; and that it was certainly not the interest of either country to make an arrangement which the legislative authority here might refuse to carry into execution. He then added, that, as two sums had now been indicated as the basis of a transaction—one by the Minister of Foreign Affairs, another by me—the subject would again be submitted to the council which was to meet that evening, and the next day, or the day after, the Minister of Foreign Affairs would be able to communicate to me the result.

After some further conversation, in the course of which I made the explanations that seemed to be called for as to the circumstances attending the prosecution of our claims during the period of the restoration, I dwelt, in taking leave of him, on the great importance of a perfect re-establishment of cordial relations between the two Governments, which I flattered myself was a good work reserved for the illustration of a ministry that had given so many other proofs of its wisdom. He responded to this appeal, by saying, with great earnestness, that there was nothing he more anxiously desired.

In pursuance of the intimation given by the president of the council, I called, on the 5th instant, at the Office of Foreign Affairs, to learn from the minister what determination had been taken by the council. He said the council remained immovable, (inébranlable;) that they would not agree to go beyond the sum he had already offered; and that they were sorry, indeed, (fort embarrassés,) that so much had been offered. I repeated that the offer he had made was inadmissible, and I entered into additional reasonings and illustrations to show its inadequacy. I again alluded to the feelings that would be excited in the United States by the distinction which the Government of France seemed to make in the settlement of our claims, and those of some other Powers.

He said the only Power whose claims had been paid, in any large proportion, was Great Britain; and that the claims presented by her were of a character wholly peculiar, being for property in the public funds, held under all the guaranties of national faith; that the claims of the other Powers of Europe were entirely different from ours, being founded on positive engagements, and though their reclamations had been urged with arms in their hands, France had paid them a much smaller proportion of what they claimed than that which was now offered to us; that we ourselves had accepted from Denmark a much smaller proportion of our claims than what was now offered by France, though, in that case, the claims were addressed to the same Government that had commit-

ted the wrongs; that the proposition he had made to me was, in truth, a great sacrifice on their part, and intended as a special mark of their consideration and friendship for the United States; that, whatever might be the abstract theory of the law of nations, it was impossible that the present Government of France could be bound to make full and entire compensation for all the wrongs committed by Bonaparte; that the whole property of the nation would be insufficient for the purpose.

I need not detain you with the observations I made in reply. I concluded by remarking that the Government of the United States had manifested its willingness to adjust this affair on reasonable and liberal terms; but as we had not been able to agree upon the sum which might properly form the basis of a transaction, no other means seemed to remain for arriving at a friendly termination of the discussion, than to constitute a mixed commission for the purpose of examining the various reclamations, and of determining their just amount. Having perceived the decided repugnance of the minister to this proposition, I thought it expedient to urge it as the most likely means of inducing him to offer better terms for a transaction. The interview terminated with the renewal of the declaration he had already made, that the Government of France never could consent to submit questions of much importance to any tribunal other than that which existed in its own sense of justice.

Meeting with the president of the council again in the evening of the same day, he made some general remarks on the subject of our claims, and expressed a disposition to have a further conversation with me. He seemed not to be apprised of what had passed between the Minister of Foreign Affairs and myself, in the morning. On the following day, I addressed a note to him, in which, availing myself of the permission he had given me, I asked him to indicate an hour when it would be convenient to him to grant me another interview. His answer, of which a copy is enclosed, informed me that, as soon as he should have seen and conferred with the Minister of Foreign Affairs, he would again write to me, and fix the time for an interview.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

PRESIDENCY OF THE COUNCIL OF MINISTERS,
Paris, May 6, 1831.

The president of the council, as soon as he shall have seen the Minister of Foreign Affairs, and shall have conferred with him, will hasten to inform Monsieur the Minister of the United States of it, by indicating the hour when he will have the honor to receive him.

He prays his excellency to accept the assurance of his distinguished sentiments and high consideration.

OFFICE OF FOREIGN AFFAIRS,
Paris, April 28, 1831.

General Sebastiani has the honor to invite Monsieur the Minister of the United States to be so good as to give him an interview of a moment to-morrow morning, at 11 o'clock, at the Department of Foreign Affairs. He seizes this occasion to renew to Mr. Rives the assurance of his high consideration.

Mr. Rives to Mr. Van Buren.

[No. 72.] PARIS, *May* 29, 1831.

SIR: Notwithstanding the positive declaration of the Minister of Foreign Affairs, detailed in my last despatch, I still had hopes, particularly from the remarks made to me by the president of the council on the 5th instant, that they might yet advance beyond the offer they had made me. I awaited, therefore, the fulfilment of the promise contained in his note of the 6th instant, that, after conversing with the Minister of Foreign Affairs, he would again write to me, and give me an appointment for a conference.

About this time, however, as you will see from the journals of that date, considerable agitations again occurred here, and were renewed from day to day. Taking it for granted that these disorders, the surveillance and repression of which appertained to the Department of the Interior, of which the president of the council is minister, would excusably occupy him for several days, I thought it might not be altogether useless, in the mean time, to have another interview with the Minister of Foreign Affairs. This I obtained on the 10th instant.

From the strong aversion he had discovered to a mixed commission, nothing appeared to me more likely to produce an effect on him than again to urge that as the necessary and only alternative, provided we could not agree on the terms of a transaction. He had objected, in a former conversation, that it would be incompatible with the just pride and dignity of the French Government to submit itself to the decisions of any tribunal whatever; and he repudiated the precedents of similar commissions, constituted in France at the period of the restoration, as being drawn from an era of national degradation, and submission to foreign bayonets. Having mentioned to him that there had been many examples of these commissions in our relations with England, whose Government had never been supposed to be wanting in a just sentiment of self-respect and of national pride, I carried with me, on this occasion, the collection of our treaties, in which I pointed out to him the examples alluded to. He said, in all those instances, the situation of the British Government was different from that occupied by the Government of France; that the commissions that it had agreed to constitute, were the means of fixing its responsibility for its own acts; but that, in the case of France, the responsibility sought to be enforced was for the acts of a distinct Government; and that the present Government of France never would admit the principle of an absolute and indiscriminate responsibility for all the wrongs of the Imperial Regime.

After some further discussion on this point, which it is not deemed important to detail, the conversation returned to the question of the adequacy of the offer he had made for a transaction, in regard to which, however, all my efforts were yet unavailing to produce a change of the position he had heretofore taken.

On the 14th instant, I had my interview with the president of the council. After some preliminary conversation on points which had already been discussed, he remarked that the sum I had proposed as a compromise was so much beyond what they could, under any circumstances, think of paying, that it rendered all prospect of an arrangement hopeless; but if I would name some sum considerably below that, an arrangement might yet be practicable. I replied that, knowing the sincere desire of my Government to bring this disagreeable question between the two countries to an amicable conclusion if it were possible, I was disposed, on my part, to make every reasonable and proper concession; that, in the present state of the negotiation, the natural and only means of accord seemed to be mutual approximation by mutual and equal concessions; and that, acting on that principle in a spirit of frankness and conciliation, I would be willing, upon my own responsibility, to meet them at a middle point between the two sums which had been respectively proposed by the Minister of Foreign Affairs and myself. He said that point was too high, but, after the declaration I

had made, he hoped and thought an arrangement might yet be effected, and that every thing which was practicable should be done, on his part, to accomplish it.

Immediately after this interview with the president of the council, I called on the Minister of Foreign Affairs, to whom I repeated the declaration I had made to the president of the council, accompanied with a renewed and earnest enforcement of all the considerations of policy as well as good feeling which so strongly invited to a frank and loyal termination of this unpleasant controversy. After speaking of the many difficulties of the question, he said he was sincerely desirous of terminating it in a satisfactory manner if it were possible, and that he would again bring it before the council in the shape which was now given to it, and in a few days would be able to communicate to me the result. On my asking him when I should again call to receive that communication, he said that, on the following Tuesday or Wednesday, he would, in all probability, be able to give me a definitive answer.

On Tuesday, the 17th instant, therefore, I again called upon him; but he said the council had been so much occupied with other questions of great urgency, that he had not had an opportunity of laying before them what had passed in our last conversation. He would, however, do so at the earliest moment, and in four or five days I might expect he would be prepared to give me an answer. With this understanding, the interview ended; not, however, until I had profited of the occasion again to impress upon him the great importance of an early as well as satisfactory adjustment of a question which so seriously affected the relations between the two countries.

On the 21st instant, I repeated my call on the minister, who then informed me that, since our last interview, he had brought before the council the question arising out of my late conversations with the president of the council and himself. But that two of the ministers (the Minister of War and the Minister of Commerce) were absent with the King, (who had set out on an excursion into Normandy, on the 16th instant,) and that a majority of the others were of the opinion that a question of so much importance and responsibility as that presented by our claims, could not, with propriety, be acted upon but in the presence of a full council; that the further consideration of it, therefore, had been adjourned till the return of the King; but that immediately after his Majesty's return, which was expected in five or six days, he would again call up the question, and obtain an early decision of it. Indulging the expressions of regret which the disappointment called forth, I had no other alternative than an acquiescence in this new delay.

The King returned on the morning of the 27th instant, and on the following day I called both on the president of the council and the Minister of Foreign Affairs. In my interview with the president of the council, I remarked to him that, after the conversation which had passed between us a fortnight ago, I had hoped that the disagreeable question with which we had been so long occupied would have been promptly arranged. He referred to the absence of the King, and of the two ministers who accompanied him, as having rendered the delay inevitable. He then said that but for the Chambers there would be less difficulty in arranging this question; but that he apprehended a very serious opposition to it on their part, which might even more seriously embroil the relations of the two countries by refusing to carry into execution any arrangement which should be made. He added, that two months, sooner or later, could not be of much importance in the settlement of this question, and asked me if there would be any objection to adjourning its decision till the meeting of the Chambers, when the ministers could have an opportunity of consulting some of the leading members of the two Houses.

I replied that, after the long delays to which we had already been subjected, such a proposition never could be assented to, and could not be viewed otherwise than as wanting in respect to the United States; that the King, by his ministers, was the organ and representative of the nation towards foreign Powers; that the charter had given him full power to conclude treaties with other States; that foreign ministers were accredited to him alone, and could not be turned over, directly or indirectly, to any other department of the Government. I added, too, with emphasis, that, in the lively sensibility which existed on this subject in the United States, a prompt termination of the discussion had become indispensable to a continued harmony between the two countries.

He acknowledged the justness of these observations; said he had not intended, formally, to propose an adjournment of the question till the meeting of the Chambers, but had only suggested it in the way of inquiry; and, in concluding the interview, promised distinctly that the subject should be again brought before the council at a very early moment, with a view to a definitive arrangement, if that should be found practicable, as he hoped it might be.

After leaving the president of the council, I went to the Office of Foreign Affairs, and reminded the minister of his promise to bring our negotiation to a conclusion immediately after the return of the King. I dwelt upon the present unsatisfactory state of the relations between the two countries, and told him how indispensable it was to the preservation of their mutual good understanding, that an end should be promptly put to this disagreeable question. He suggested, at first, as the president of the council had done, the idea of postponing it till the meeting of the Chambers; but, after the observations I made, he abandoned the suggestion, and promised to bring the subject again before the council at the earliest moment practicable.

In the recital of the numerous conferences with the Minister of Foreign Affairs and the president of the council, of which an account is rendered in this and the preceding despatch, it has not been possible for me to detail all the observations which were made, on both sides, in the course of so many conversations of a very diversified range, and, generally, of protracted duration. My object has been to furnish a faithful history of the successive stages of the negotiation, in giving the spirit and substance, as well as the result, of each interview; and to report, much more fully, the observations of the King's ministers than my own, deeming it important, in the present state of the relations between the two countries, that every means should be afforded of appreciating the conduct and principles of this Government by the declaration of its own organs. On my part, I flatter myself that no consideration of justice or policy; no argument, whether of principle or detail, derived from the nature and character of the reclamations themselves, or from the interests of France in the preservation of friendly relations with the United States, has been omitted to be urged with the zeal and energy which the occasion has demanded.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

Extract.—Mr. Rives to Mr. Van Buren.

[No. 73.] PARIS, *June* 14, 1831.

SIR: On the 1st instant, supposing that sufficient time had elapsed for the deliberations of the council, I called again on the Minister of Foreign Affairs, for the purpose of receiving the final decision of the French Government.

The minister told me that he had brought the subject again before the council, and that it had been most ma-

turely and deliberately considered; that he and Monsieur Perrier, the president of the council, had, with much difficulty, prevailed on them to add one more million to the offer which had been already made me, but that was unequivocally their *ultimatum*, and he was directed to announce it to me, in the most solemn form, as such; that it was the opinion of the most enlightened and influential men, members of both Chambers, that the offer of twenty-four millions, heretofore made, was greatly too much; that ——, ——, ——, ——, and other leading members of the one Chamber or the other, whom he mentioned, had already expressed that opinion to him, and emphatically warned him of the serious difficulties to which this affair would expose ministers before the Chambers; that, under these circumstances, nothing but high political considerations, and the strong desire they felt to establish the most friendly relations with the United States, had induced them to go as far as they had done, but that they had now advanced to a limit which nothing whatever could induce them to pass.

I replied that, after the numerous and detailed discussions which had already taken place, it was useless to discuss the adequacy of the proposition he had just made: my only object was to know the final determination of the French Government, that I might come to a determination alike final on my own part, and thus avoid the necessity of further unpleasant as well as unprofitable discussions.

He repeated, that what he had just stated to me was the final and unchangeable determination of the French Government, and he wished me to consider it as then announced to me in the most solemn manner.

I then observed to Count Sebastiani, that nothing had yet been said of interest upon the sum proposed to be paid by the French Government, but that it was an indispensable element in judging of the proposition he had made, and must be understood, before I could come to a decision upon that proposition.

He replied that, under the circumstances of the case, interest was by no means a matter of course; that their offer had always been accompanied with the express condition of payment in six years; that they were not bound, therefore, by the addition of interest, to make it equivalent to a cash payment; but, nevertheless, the council, in their anxious desire to terminate the affair, had authorized him, if I insisted upon it, to agree to pay an interest of four per cent., which was the highest they had ever paid to a foreign Government in a similar transaction.

With these explanations the interview terminated.

In this state of things, finding nowhere a more authoritative estimate of the just amount of the claims of our citizens than that contained in Mr. Gallatin's despatch of the 14th January, 1822, to Mr. Adams, and in which he expresses the opinion that all the claims, of every description, justly due, do not exceed five millions of dollars, two millions of which, he adds, "there can be no expectation ever will be obtained," I thought no time ought to be lost in securing the benefit of the proposition now made by the French Government. I therefore prepared the projet of a convention, (of which a copy accompanies this despatch,) and, on the 3d of June, presented it to the ministers.

After reading it over, he signified his approbation of the principal dispositions of it, with a special exception, however, of the fifth article, which contains a renunciation of the French claims, and particularly of the claim founded on the eighth article of the Louisiana treaty. He said there were claims of French subjects against the United States of indispensable justice, which the American Government could not certainly refuse to satisfy in the moment of obtaining justice for its own citizens; and that, in regard to their claim under the eighth article of the treaty of cession of Louisiana, it was too well founded, and of too much importance, to be abandoned, without a fair and just equivalent, especially after the liberal proposition they had made for the payment of the claims of our citizens.

I observed, that no allusion having been made in the course of our negotiation to the claims of French subjects, I had taken it for granted that there were none which were supposed to merit the patronage of the French Government; and that, with respect to the Louisiana question, I had flattered myself that the present Government of France would no longer insist on a pretension which had been heretofore used chiefly as an expedient for evading the justice due to our citizens.

He replied, that the negotiation in which we were engaged, as expressly stated in the report approved by the King in October last, had three distinct objects: first, the liquidation of the claims of American citizens against France; secondly, the liquidation of the claims of French subjects against the United States; and, thirdly, the adjustment of the great question respecting the execution of the Louisiana treaty: that the natural march of discussion was to treat these objects successively; that he had not thought it necessary or proper to say any thing of the claims of French subjects till those of American citizens had been disposed of: but, having now come to an understanding respecting the latter, it remained to adjust the former, as well as the reclamation relative to the eighth article of the Louisiana treaty, which, he repeated, was too clearly founded in the language of that instrument, as well as in the convictions of the French Government and nation, ever to be gratuitously abandoned.

The minister then sent for Baron Deffandis to give information respecting the claims of French subjects against the United States, as well as the manner in which it was proposed to settle the Louisiana question. The Baron mentioned the claim of the heirs of Beaumarchais; the French vessels destroyed at Savannah and Norfolk, in 1811; the four which were captured by Captain Stockton on the coast of Africa, in 1822; and divers other claims, some of which I then heard of for the first time. In regard to the manner of settling the question concerning the eighth article of the Louisiana treaty, after alluding to the understanding which had taken place in the time of Monsieur Polignac's ministry for an abandonment of this pretension, in consideration of a temporary reduction of the duties on French wines in the United States, he said that the commission, unanimously concurring in the opinion that the claim asserted by the French Government was clearly supported by the language of the treaty, and the nature of the transaction itself, thought that the proposed reduction of duties on French wines did not offer an equivalent for its abandonment, but that the United States ought also to grant a corresponding reduction of the duties on French brandies.

After some further conversation, which it is not important to detail, the minister remarked that he was as yet very imperfectly informed as to the points which remained to be adjusted, and that it would be necessary, therefore, to reserve the discussion of them for another occasion.

Finding that the claim of the heirs of Beaumarchais, which alone amounted to more than three millions of francs, was to be earnestly insisted on, I thought it important to possess the mind of the minister as promptly as possible with those circumstances belonging to the history of the times, which had produced a belief in the United States that the supplies which formed the subject of the claim were, in fact, derived from the gratuitous assistance of the French monarch.

On the 4th instant, therefore, I again called on him, and entered into an historical exposition of this claim, and of the circumstances connected with it, founded on the documents which had been published in the United

States. Count Sebastiani remarked that he knew very little of the intrinsic merits of this claim, but it seemed to him that the Government of the United States stood committed by the letter of Mr. Gallatin to the Duke de Richelieu, of the 2d December, 1816, connected with the Duke's answer, to pay it, and it was a matter of much surprise in France that it had not been heretofore paid. I replied by calling his attention to the language of the correspondence between Mr. Gallatin and the Duke de Richelieu, as not justifying the inference he had drawn from it.

The minister then said he had not yet had time to make himself thoroughly acquainted with this claim, or the others which would be presented; that he would be necessarily occupied with other matters of great urgency before the departure of the King, who was to set out on the 6th instant on an excursion into the eastern departments, but that, if I would call again on Wednesday, the 8th instant, he hoped then to be able to enter with me on this part of our negotiation.

On the 8th instant, accordingly, I called again at the Office of Foreign Affairs; but the minister informed me that an exposition of the French claims, which was preparing in the bureau, had not yet been completed, and he was consequently not ready to enter upon the subject with me; that it would probably be finished that day or the next, and, after reading it, he would immediately send it to me that I might make my observations upon it.

On the 10th instant, not having yet received the promised exposition, I renewed my call at the Office of Foreign Affairs; but the minister being urgently occupied with the affairs of Belgium, which had at that moment assumed a very critical and menacing aspect, from the refusal of the Congress to comply with the demand of an unqualified adhesion to the protocols of the London conference, he sent me an apology for not being able to see me, and requested that I would return on the following day.

On the 11th, when I returned, the minister was on the point of leaving his hotel, on an occasion connected with the same engrossing topic of Belgian affairs, and I was again disappointed in the hope of a conference.

In this state of things, I thought it important that the proposition which had been made by the French Government for the adjustment of our claims should be put on record, and, with that view, as well as to accelerate the progress of the negotiation, I yesterday addressed to the minister a note accompanied by the projet of a convention, copies of both of which are herewith enclosed.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. Martin Van Buren,
Secretary of State.

P. S. Lest, by possibility, the important despatch of Mr. Gallatin, of the 14th January, 1822, hereinbefore referred to, may not be on the files of the State Department, I enclose a copy of it taken from the books of this legation.

W. C. Rives to Count Sebastiani, Minister, Secretary of State for the Department of Foreign Affairs.

Paris, *June* 13, 1831.

Monsieur le Comte: The explanations which have already taken place in the numerous conferences which I have had the honor of holding with your excellency on the subjects of the negotiation with which we have been recently occupied, leaving very little more to be done than the formal execution of what has been mutually agreed upon, it has appeared to me that the readiest mode of bringing the negotiation to a termination would be the presentation of regular conventional articles. I have, therefore the honor to submit to your excellency the projet of a convention, in English and in French, which your excellency will recognise to be the same as that I had the honor to hand you on the 3d instant, except that the blanks, left in that, are now filled up according to the terms of your excellency's proposition, to wit, the blank for the principal sum to be paid, with the sum of twenty-five millions of francs; that for the interest, with four per cent., &c. &c.

If this projet should not meet the views of your excellency in all respects, as the general approbation of it expressed by you assures me that it does in the main, I take the liberty to invite your excellency to state the result of your observations upon it, in the form of admission, modification, or substitution of the respective articles, that being obviously the best means for arriving at the prompt practical conclusion which is believed to be equally in the interests and wish of both parties.

I have the honor to be, &c.

W. C. RIVES.

Projet of Convention.

The United States of America, and his Majesty the King of the French, equally desiring, by a just and amicable termination of the discussions which have arisen between the Governments of the two countries, to extinguish all source of misunderstanding between them, and to establish their friendship and harmony on a lasting foundation, have, for this purpose, respectively named their plenipotentiaries, to wit, the President of the United States of America, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States at the court of his Majesty the King of the French, and his Majesty the King of the French, who, after having exchanged their full powers, found in good and due form, have agreed upon, and concluded the following articles:

Article 1. His Majesty the King of the French engages to pay to the Government of the United States the sum of twenty-five millions of francs on account of the reclamations preferred by the said Government in behalf of its citizens for the alleged capture, seizure, sequestration, condemnation, or destruction of their vessels and cargoes, or other property, by the public or private armed ships, the tribunals, officers, or other authorities of France; which sum of twenty-five millions of francs the Government of the United States agrees to receive, and to cause to be distributed among the several claimants.

Article 2. The aforesaid sum of twenty-five millions of francs shall be paid at the city of Washington, in six annual instalments, of frcs. 4166.666.66 each, and to such person or persons as shall be authorized by the Government of the United States to receive the same; the first of the said instalments to be paid at the expiration of one year following the date of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

At the payment of each of the said instalments, the interest thereupon, as well as upon the other instalments then remaining unpaid, which is hereby fixed at the rate of four per centum, to be computed from the date of this convention, shall be likewise paid.

Article 3. The final adjustment of the claims in question, and the distribution of the abovementioned sums, shall be made in such manner, and upon such principles, as shall be determined by the Congress of the United States, or by a tribunal to be organized by them for that purpose.

Article 4. In order to facilitate the investigation and adjustment of the said claims, his Majesty the King of the French engages, when thereunto requested, to cause to be delivered to any person or persons who shall be duly authorized for that purpose, by the Government of the

United States, all such documents, papers, judicial acts, or other proceedings, existing in the archives of the prize tribunals, or of other departments of the French Government, as relate to the acts for which the foregoing indemnity is stipulated to be paid.

Article 5. The Government of the United States hereby definitively renounces the reclamations which have been, or might hereafter be, formed, respecting the illegal captures, seizures, sequestrations, condemnations, and other injuries hereinbefore mentioned; and his Majesty the King of the French, on his part, abandons the reclamations which have been heretofore presented by the Government of France against the United States, particularly in what relates to the discussions which have taken place between the two Goverments respecting the execution of the eighth article of the treaty of cession of Louisiana.

Article 6. The present convention shall be duly ratified on both sides, and the ratifications shall be exchanged at Washington in the space of months after the date of the signature hereof, or sooner if possible.

In faith whereof, and in virtue of our respective full powers, we have signed these articles, and thereto set our seals.

Done at Paris, the day of 1831.

[TRANSLATION.]

Mr. Rives to Count Sebastiani.

PARIS, *June* 13, 1831.

MONSIEUR LE COMTE: After the explanations which have been made on both sides in the many conferences we have had on the subject of this negotiation, I conceive that, as nothing but a formal conclusion remains to be made, the best plan would be for me to present a draught of a convention. Therefore, I now have the honor of transmitting to your excellency a projet drawn up in English and French, which will be found to be the same submitted by me on the 3d instant, except that the blanks left in the latter have been filled up in this, according to the terms proposed by your excellency, to wit: the blank relating to the principal to be paid, by the sum of twenty-five millions of francs; that respecting the interest, by the words "four per cent.," &c. &c.

I can have no donbt, after the approbation expressed by your excellency of the general tenor of the treaty, that the chief propositions will be adopted; but, in case any portions should not exactly conform to your views, I request that your excellency will have the kindness to make known your wishes under the form of admissions, modifications, or substitutions of the proposed articles. This will clearly be the easiest method to arrive at a definitive conclusion, which is equally required by the wishes and interest of both parties.

I have the honor, &c. &c.

W. C. RIVES.

[TRANSLATION.]

Projet of a Convention between the United States and France, submitted by Mr. Rives to Count Sebastiani on the 13th June, 1831.

His Majesty the King of the French, and the United States of America, being equally desirous to terminate the existing differences between the two countries in a just and amicable manner, and thus, by destroying all causes of misunderstanding, to establish, on a lasting basis, that friendship and harmony which should hereafter unite them, have, to that effect, named their respective plenipotentiaries, to wit:

His Majesty the King of the French, * * * * * * * * * * and the President of the United States, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States near the court of his Majesty the King of the French; who, having communicated to each other their full powers, found to be in due and proper form, have agreed upon the following articles:

Article 1. His Majesty the King of the French engages to pay to the Government of the United States the sum of twenty-five millions of francs, in acquittal of the claims preferred by said Government in behalf of its citizens, on account of illegal captures, seizures, sequestration, condemnation, and destruction of their vessels, cargoes, and other property, by the armed ships of the State, or of private individuals, and by the tribunals, officers, and other authorities of France; which sum of twenty-five millions of francs the Government of the United States consents to receive, and distribute among the various claimants.

Article 2. The abovementioned sum is to be paid at Washington, in six annual instalments of four million one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, to such person or persons as the Government of the United States may authorize to receive them; the first instalment to be paid at the end of one year after the signing of the present convention, and the others at the end of each year, successively, until the whole be paid. To the amount of each annual payment shall be added the interest of the sum then paid, as well as that of the whole sum which remains to be paid; the interest being fixed by this convention at the rate of four per cent. per annum, to be calculated from the day of the signing of said convention.

Article 3. The definitive settlement of the claims in question, and the distribution of the specified sums, will be conducted after the manner, and according to the principles, which may be laid down by the Congress of the United States, or by the tribunals which it may establish for the purpose.

Article 4. In order to facilitate the examination and adjustment of these claims, his Majesty the King of the French engages that all documents, judicial or other papers, relating to the objects of this convention, and existing among the archives of the councils, prize courts, or other branches of the administration, or departments of the Government, shall be delivered on demand of persons duly authorized thereto by the Government of the United States.

Article 5. The Government of the United States does hereby renounce all claims which are or may be preferred on account of seizures, captures, or other wrongs, enumerated above; and his Majesty the King of the French, on his part, abandons the claims hitherto preferred by the French Government against the United States, more especially those on account of the execution of the eighth article of the treaty of cession of Louisiana.

Article 6. The present convention shall be duly ratified by the two contracting parties, and the ratifications shall be exchanged at Washington within six months after the date of the signature thereof, and as soon within that period as possible.

In faith whereof, and in virtue of their respective full powers, the abovementioned plenipotentiaries have signed the preceding articles, and have thereunto affixed their seals.

Done at Paris, this day of , in the year eighteen hundred and .

From the Minister of Foreign Affairs of France to Mr. Rives.

PARIS, *June* 15, 1831.

The Minister of Foreign Affairs has the honor of transmitting to Mr. Rives, according to his promise, sixteen notes, containing an exposition of all those French claims

against the United States which have been considered as properly comprehended in the negotiation now going on.

He takes this occasion to assure Mr. Rives of his high consideration.

[TRANSLATION.]

Claims of France.

	Francs. Cc.
1. Claim of the heirs of Beaumarchais for articles furnished according to account admitted on the 3d of February, 1806, being principal and interest to that date,	2,699,999 00
Interest on the above sum since February 3, 1806, according to contract, - -	1,000,875 00
2. Value of the privateers Vengeance and Franchise, burnt by a mob at Savannah, in 1811, - - - - -	170,000 00
3. Value of the privateer La Revanche du Cerf, burnt in the harbor of Norfolk, in 1811, by an unlawful force, - -	70,000 00
4. Claim for damages sustained by the ship St. Francois, which was obliged to alter her course, and to receive on board thirty-six English prisoners from the American sloop of war Wasp, - -	30,000 00
5. Claim for the Jeune Emilie on account of damages similar to those sustained by the St. Francois, - - - -	40,000 00
6. Claim for damages on account of the detention of the ship Minerve by the American frigate Constellation, in the port of Mahon, in 1823, - -	916 00
7. Claim on account of the illegal detention of the Eugene by the custom-house officers on St. Mary's river, in Florida, in 1820, - - - - - -	20,000 00
8. Claim on account of exorbitant salvage duties levied by the United States schooner Terrier on the French ship Calypso, viz.	
For the ship, - - - -	30,000 00
For the cargo, - - -	80,000 00
9. For overcharge of duties on the French ship Pactole, at Pensacola, in 1827, -	12,000 00
10. Damages sustained by the Jeune Eugenie, from her being illegally seized on the coast of Africa by the United States schooner Alligator, and from depredations, - - - - - -	263,897 00
11. For damages sustained by the ship Mathilde on account of detention by the United States schooner Alligator, -	60,000 00
12. For damages of the same character sustained by the Julie, - - -	80,000 00
13. For detention of the Eliza by the Alligator, - - - - - -	30,000
14. For payment of four drafts upon the treasury of the Union, made payable to the order of the cashier of the French treasury on account of the cession of Louisiana, - - - - -	101,534 41
16. For the amount of prizes due to Frenchmen of the legion of Luxembourg by the State of South Carolina; said amount now lying in the Charleston Bank. See memorial.	
15. Claims of Frenchmen to lands granted them by Indian tribes before they became under the Government of the United States. See memorial.	
Sum total of accounts made out, - -	4,689,241 41

[TRANSLATION.]

Note 1.—*Beaumarchais's Claim.*

The heirs of Beaumarchais claim from the Government of the United States payment for arms and clothing furnished to the United States during the war of independence. The amount, as calculated by the American treasury in 1806, February 3d, was, in principal, 667,250 livres, and in interest up to that date 2,032,749 livres. The interest since that period, according to the terms of the contract, will be about 1,000,875 francs more; so that the whole debt, up to this moment, is 3,700,874 francs.

The Government of the United States, however, refuses to pay this debt, alleging, first, that Mr. Beaumarchais received from Count de Vergennes, in 1776, the sum of one million (livres,) out of the secret fund of the Ministry of Foreign Affairs, which he was to employ in furnishing the very articles for which his heirs now demand payment; and that he had thus received more than he laid claim to as having been advanced.

Secondly, that the abovementioned million was afterwards counted in the donation of three millions made by France to the United States, according to the financial treaty of February 26, 1783.

To this the heirs of Beaumarchais reply, that this million was not employed in furnishing the articles for which payment is now demanded; and that M. Beaumarchais had rendered account thereof to the French Government, which alone had a right to inquire into the subject, and receive such account.

Things being in this state, Mr. Gallatin, on the 2d December, 1816, addressed to M. de Richelieu a request that he would give him some explanation as to the manner in which said million had been expended, adding, that an explicit negative declaration by the French Government would silence the objection made to the claim by the United States.

M. de Richelieu replied on the 16th December, 1816, in a manner entirely favorable to the heirs of Beaumarchais; for he declared, formally, that "the million given on the 10th of June, 1776, had immediately reached its intended destination, and that (according to the custom of that time) a simple approval by the King was the only definite account (*piece comptable*) of the use which had been made of it; (this approval was dated December 7, 1776, but a few months after the delivery of the money;) and that, moreover, from a new examination of the facts, it appeared that the million in question had not been employed by M. Beaumarchais in purchasing the articles which had been sent to the United States.

M. de Richelieu had, therefore, reason to hope that Congress would act favorably and speedily on a claim founded upon the most sacred obligations.

Several Presidents of the United States, two Attorneys General, and the greater portion of the congressional committees, have been in favor of acquitting this claim, and, in fact, after the express declaration made by the French Government, no reason can be given for deferring the payment.

It may be observed, besides, that the United States House of Representatives appears to have considered the question ended, by its adoption of the report of a committee made February 16th, 1824, which hinted that the Executive should include this claim in the negotiations then going on between the United States and France.

[TRANSLATION.]

Note 2.—*Claim on account of the French vessels Vengeance and Franchise.*

The French privateer Vengeance, and the despatch vessel Franchise, were, on the 15th of November, 1811, burnt in the port of Savannah, by a mob which had been

raised on purpose against the French. The owners claim indemnification for their losses, which they have proved to be equal to 170,000 francs.

It is universally admitted that all damages sustained in consequence of popular tumults are to be repaired either by the district in which they were received, or by the Government of the country; for, in such cases, the ordinary tribunals are incapable of rendering justice to the individuals who have suffered. The Governments under the faith and protection of which strangers place their persons and property, and, more especially, their navigation and commerce, should secure them from acts of violence of this nature, which, on account of the number of persons engaged, become public acts. In the United States, strangers neither can nor ought to know any other than the General Government of the Union; and if the responsibility rest in the end upon the State of Georgia or the city of Savannah, it is the duty of the Federal Government, towards a country in peace with the United States, to use its power in obtaining justice for the injured.

The minister of France, at Washington, demanded indemnification for the loss of these two vessels as early as 1812, but the success of this demand became naturally involved in the examination, then going on, of claims against France which the United States was preparing to assert.

The Chamber of Deputies has strongly recommended that this claim should be admitted in the negotiation now pending between France and the United States.

[TRANSLATION.]

Note 3.—*Claim on account of the French privateer La Revanche du Cerf.*

The French privateer La Revanche du Cerf, of 70 tons, carrying four guns, entered the bay of Norfolk in April, 1811. The inhabitants were at that time exasperated against the French, and some false reports which had been circulated against the vessel were the cause of a popular tumult; in fine, on the night of the 15th of April, the privateer was surrounded by boats filled with armed men, who boarded her, seized and tied the crew, and then set her on fire.

This striking violation of the rights of nations remained unpunished; but the demand for indemnification is founded upon the same principles with that for the destruction of La Vengeance, and the right is equally incontestable.

The claim amounts to 70,000 francs.

[TRANSLATION.]

Note 4.—*Claim on account of the French ship St. Francois.*

The French ship St. Francois, during her passage from Marseilles to Cayenne, was stopped on the 25th September, 1814, by the United States sloop of war Wasp, of twenty-two guns, whose commander, Captain Blakely, compelled the master of the St. Francois to receive on board his vessel thirty-six English prisoners, under peril of having her burnt in case he refused.

The St. Francois, not having on board provisions enough, was obliged to stop at Madeira, where the prisoners were delivered up to an English frigate: the owners, however, sustained a heavy loss, which can be proved to have been occasioned entirely by the violent and arbitrary proceedings above related. Indemnification to the amount of 30,000 francs is now demanded of the Government of the United States, which is clearly responsible for the acts of its navy officers. The claim is for being forced to quit her course, and for expenses of prisoners.

[TRANSLATION.]

Note 5.—*Claim on account of the French brig La Jeune Emilie.*

The brig La Jeune Emilie, of St. Malo, while fishing for cod on the Banks of Newfoundland, in August, 1814, was boarded by the American privateer Whig, Captain Clark, of New York, and obliged, at the risk of being sunk, to receive eleven English prisoners, for whose support no provisions were furnished. In consequence of this, the brig was obliged to quit the Banks, with only one-third of a cargo of fish, and the owners sustained a loss, for which they claim indemnification, to the amount of 40,000 francs.

The conduct of the privateer was clearly at variance with the laws of nations and maritime usages; and the United States being responsible for the acts of its privateers against neutrals, cannot refuse the claim of the owners of the Jeune Emilie.

[TRANSLATION.]

Note 6.—*Claim on account of the brig La Minerva.*

The French brig La Minerva, while in the act of leaving Port Mahon, was, on the 3d of January, 1823, boarded by a detachment of fourteen men from the United States frigate Constitution; they came under pretence of looking for a deserter, and the midshipman who commanded them used great violence towards the captain of La Minerva, in consequence of which he was obliged to drop anchor, and lay his complaints before the French consul. The matter being inquired into, the American commander disavowed the proceedings of the midshipman and sailors; but La Minerva was detained twelve days, which, at the rate expressed in her papers, was equivalent to a loss of nine hundred francs, besides the expenses of protestations, &c., which were forty-six francs, making in all nine hundred and forty-six francs, which the captain claims, and which the American Government should pay, as it is clearly responsible for the acts of its officers towards other countries.

[TRANSLATION.]

Note 7.—*Claim on account of the ship Eugene.*

The French ship Eugene sailed from Malagar to a Florida port on the 30th of September, 1820. On the 21st of November, she cast anchor at St. Joseph's, on the side of the river St. Mary, which then belonged to Spain, and made her declaration at the Spanish custom-house of St. Augustine. But, on the 26th, the officers of the American custom-house of St. Mary's wished to oblige him to pay duties at that port, and, on his refusal, forced him to quit the coast.

The Eugene, thus driven off, went to Savannah, and there finished its business, at a loss, however, the cargo being selected for another port. This loss amounted to twenty thousand francs, for which the owners have been long endeavoring, in vain, to obtain indemnification.

This proceeding of the custom-house officers is certainly an abuse of powers and jurisdiction, and indeed it has been formally acknowledged to be such; and, as the Government of the United States cannot refuse to acknowledge its responsibility for the acts of its officers, the sentiments of justice with which it is imbued will not prevent a longer delay in settling this claim.

[TRANSLATION.]

Note 8.—*Claim on account of the ship Calypso.*

The French ship Calypso on her way from St. Domingo, laden with 500,000 pounds of coffee and 50,000 francs in gold, was, on the 1st of November, 1824, taken by a pirate off the coast of Cuba; her crew were put into a

boat, and abandoned; two days after they were met by the English sloop Lion, and the American corvette Terrier, which two vessels, on the information received from the French captain, set off, and, in a few days, found the Calypso ashore. The pirates, who were plundering her, made off, and the ship was got afloat, but, instead of her being restored to her rightful owners, an American prize master was put on board, and she was carried into Key West; there a jury was raised by virtue of a pretended law of Florida, which, on the 2d of December, ordered the Calypso to be sold, and out of the proceeds, (very small,) eighty per cent. to be paid as salvage to her captors, eight to her crew, and but twelve per cent. to the owners.

The captain's protest was in vain, and the claims of the persons interested have, as yet, received no attention. Among the claimants, the principal is Mr. Martin Lafitte. At length, however, the Government examined the pretended law under which the unjust decision was given, and has declared the same to be null and void; still it has not done any thing for the relief of the victims. At present, however, it will doubtless consider itself bound in honor to indemnify the owners for the injustice committed towards them in the territory of the United States, under the semblance of legality, and through a usurpation of power not granted by the constitution. It should also be considered, that those who profited by the seizure were officers and seamen of the United States navy, whom it may oblige to refund. The losses sustained amount to about 110,000 francs.

[TRANSLATION.]

Note 9.—*Claim on account of the ship Pactole.*

The custom-house of Pensacola, in 1826, laid upon the cargo of the French ship Pactole, over and above the duties as fixed for that period by the convention of June 24, 1822, an additional duty of ten per cent. as imposed by the tariffs of the United States upon foreign shipping: this unjust demand was complied with, amounting to about 12,000 francs.

The Secretary of State informed the minister of France on the 28th of January, 1831, in reply to his demand for restitution of the above sum, that he hoped a decision would be passed favorable to his wishes, which was indeed only delayed by some accidental circumstances.

The payment of this just claim cannot reasonably be delayed beyond the period when France shows herself anxious to do justice to the demands of the United States.

[TRANSLATION.]

Note 10.—*Claim on account of the Jeune Eugenie.*

The Jeune Eugenie, from Guadaloupe, bound for Malaguette, on the African coast, was taken in 1821, May 17, while lying at the mouth of the river Gallinas, by the American schooner Alligator, under pretence that she was engaged in the slave trade, that she was built in America, and that there was no proof of her having become French property.

The officers and sailors were put in irons, and the captain, who happened to be ashore at the time, was left there. The Jeune Eugenie was then sent to Boston, with an American crew.

Messrs. Raibant and Labatut, on receiving news of this, sent an agent to Boston, and on the 24th of August, 1821, the French minister demanded of the Secretary of State the restoration of the vessel to the French consul at Boston.

The American Government being convinced that the Jeune Eugenie was *bona fide* French property, ordered her to be surrendered; this was done on the 10th of March, 1822. Moreover, the Secretary of State, in a note to the French minister, declared that the Navy Department had issued orders to the commanders of the vessels employed in putting down the slave trade, to board no vessels sailing under any other than the United States flag. The French minister, in his note of the 22d of June, 1822, informed the Secretary that the French Government was satisfied; but that the question of indemnification would be left undetermined, and that the right of demanding it still remained with the owners.

The claim for indemnification is unquestionable, being based upon the responsibility of the General Government for the acts of its officers.

The sum demanded is 233,897 francs for damages, and 30,000 francs for articles taken from the vessel.

[TRANSLATION.]

Note 11.—*Claim on account of the Matilda. Aug.* 30, 1830.

The schooner Matilda was, on the 25th of May, 1821, boarded and captured at Grand Bacha, on the African coast, under pretence that she was engaged in the slave trade, although nothing could be adduced as proof. The crew were put in irons, and their places supplied by Americans. On the 10th June, when the prisoners were permitted to change their clothes, Captain Philibert and his men seized the opportunity to rise upon the prize crew, and retook the vessel. Captain Philibert then made sail for Cayenne, where he gave up the Americans, and made his declaration.

The claim for indemnification is based on the same grounds with that of the Jeune Eugenie; the sum demanded is 60,000 francs.

[TRANSLATION.]

Note 12.—*Claim on account of the Julie.*

The French vessel Julie, while laying in the Rio Pongo, was on the 9th of May, 1821, boarded by thirty men; her cable was cut, and she was forcibly carried alongside the American ship Alligator. While on her way, she struck on a sand bank, and could not be got off until the tide had risen, and afterwards struck four times against rocks. When she reached the Alligator, her captain and supercargo were carried on board that ship, where her papers were examined by the American captain, who declared that he had no right to detain her, and should instantly set her free. This was done in spite of the protestations of the French captain, who declared that, in the condition in which his vessel then was, it would be impossible to keep the sea. The Julie, then being unable to reach her former anchorage, made sail for Havana, where she was condemned as unseaworthy.

The French minister complained of the violence committed by the Alligator; on the 20th of June, 1822, the Secretary of State replied that the American cruisers on the African coast are ordered to prevent American vessels only from engaging in the slave trade, and that they had received express orders not to interfere with those of any other nation.

Indemnification is due by the United States, and the right of claiming it has been reserved for the owners of the Julie, as in the case of the Jeune Eugenie.

The amount of damages sustained is estimated at 80,000 francs.

[TRANSLATION.]

Note 13.—*Claim on account of the Eliza.*

The French schooner Eliza, under the command of M. Theodore, her second captain, (presumed mate,) was boarded on the 26th of May, 1821, while lying in the harbor of Triton, on the African coast, by a detachment

from the American ship Alligator, under pretence that she was engaged in the slave trade. Her crew were put in irons, their places being supplied by Americans. On the 27th of June, the French crew succeeded in retaking the vessel, and two days after, the Americans were, at their own request, put on board a schooner called the Leona Oriental, with which they happened to meet. Captain Theodore then set sail for Martinique, where he made his declarations.

The owners lay claim to 30,000 francs, as indemnification for losses sustained.

[TRANSLATION.]

Note 14.—*Claim of the Royal Treasury of France.*

By the convention of the 30th April, 1803, between France and the United States, the latter became bound to supply France with twenty millions of francs, which were to be appropriated to discharging the debts due by the French Government to citizens of the United States.

As some discussions arose as to the mode of transacting the business of these accounts, General Armstrong proposed, in the name of his Government, that the funds should be transmitted by means of four drafts, amounting altogether to 101,534 francs 41 centimes, which he would draw upon the American treasury, payable to the order of the cashier of the French treasury.

This proposition was accepted; the drafts were drawn; and on the 14th March, 1809, the Royal Treasury gave General Armstrong a certificate of the accounts being closed, the drafts being placed to the credit of the United States. But when the drafts were presented for payment, the Federal Government refused to honor them, until proof had been obtained that all the debts to citizens of the United States, which had been provided for in the treaty, had been paid.

This refusal was not only contrary to all principle, but the reason given for it yields before a simple explanation.

In the first place, bills of exchange are of an executive character, and are used to transfer credit from one quarter to another: those in question were signed by General Armstrong, without reserve or condition, as being within the limits of his instructions. The United States cannot refuse payment on the ground of necessity to examine a transaction which is already past. In the next place, the convention of 1803 binds the United States to pay twenty millions to France; and the American creditors of France, who are to receive payment out of that sum, have no right, nor ever can have right, to call on the American treasury, which is under no obligation towards them; moreover, not a single receipt for sums due to Americans has ever been transmitted to the United States: the French treasury is the sole depository thereof, as being alone concerned in them. Besides, it is true, that of six of the American creditors who were yet to be paid, five had demands of very small value; and the sixth, for 81,124 francs, would probably have opposed to him a claim of equal value, as General Armstrong was informed at the time.

These drafts are therefore clearly still payable to the French treasury, with the exception of those engagements which are set forth in the treaty of 1803.

[TRANSLATION.]

Note 15.—*Claim on account of the Legion of Luxembourg.*

On the 1st March, 1803, the King of France lent the ship Indien, for the term of three years, to the Prince of Luxembourg. The Prince then ceded his right to the State of South Carolina; and, in order to man the vessel, a legion was raised in France, called the Legion of Luxembourg.

The State of South Carolina agreed to pay the Prince 100,000 francs cash; and, in case the vessel should be lost, 400,000 francs more; in addition to which, the Prince was to receive one-quarter of the value of the prizes. The legions were engaged upon the terms at which persons were then commonly enlisted to serve on board ships of war.

The Prince, at the period of these engagements, owed the King 248,000 francs for sums advanced to him.

The Indien, under the name of South Carolina, made many prizes while in the employment of the American State, but was finally taken by the enemy.

Two orders of creditors then present themselves, claiming their shares of the prize money, to wit: the Prince of Luxembourg, and the members of the legion.

After the peace, as the Prince was indebted to France, the Royal Treasury protested against the sum being paid to him. In consequence, an arrangement was effected, by which the Prince's debt was ultimately discharged, by South Carolina, in 1807. There now remain only the claimants of shares in the prizes in the name of the legion.

The lapse of time, the character of the claimants, death, and dispersion, have caused these claims to pass into an infinite number of hands. Syndics of doubtful creation, or whose powers are obsolete; lawyers in the same predicament; the smallness of the individual claims, and other circumstances, combine to lengthen out the proceedings, and increase the accumulation of papers, without advantage to any one except the agent, who has established himself for life, as he expects, at Charleston.

All these difficulties cannot but increase, on account of the deaths of the primitive claimants; and especially to the United States will their heirs become troublesome.

But one equitable mode of adjusting the affair presents itself. Let the State of South Carolina, which has no interest in the distribution, surrender to the French Government as the natural protector of the rights of its subjects, and, above all, as the guardian of the French seamen, all the shares of the prize money now deposited in its care, the French Government being charged with distributing it to those who make good their claims.

[TRANSLATION.]

Note 16.—*Claim on account of lands withheld by the United States, which had been granted to Frenchmen by Indians.*

Endeavors have been long making, by several subjects of France, to obtain possession of lands which had been ceded to them by Indian tribes, either directly, or through the agency of companies authorized by certain States to treat with those tribes, or by the possessors or authorities in the country before it was annexed to the United States. All these endeavors have been fruitless; the reply being, that the United States Government, from motives of policy, were obliged to declare all cessions of land by Indians, to other than itself, as null and void.

Now, although it be admitted that a Government may declare any class of its citizens incapable of contracting within the limits of its own jurisdiction, and that strangers who are ignorant of such law, or misinterpret it, must bear the penalty, yet surely the case is different, in which the contracts were made with Frenchmen before the Indians were recognised subjects of the United States, or where the lands in question were not embraced within the legal limits of the United States at the period of their being ceded. The relations between the United States and the Indians were thus regulated, at first, by formal treaties, which supposed each party to be independent, and the contracts reciprocal; and it was thus, by a series of treaties and mutual agreements, that the United States successively acquired most of the territories which had been occupied by the aborigines. Others were secured

to them, and the limits fixed by convention; and it is only in a few of these treaties that the condition of selling only to the Government was inserted. In all cases in which this latter condition had not been imposed, the Indians certainly possessed the right of selling or ceding their lands to whomsoever they pleased, and nothing but a formal treaty could divest them of this right, or render void the cessions of sales thus made. Indeed, the rights of strangers to lands thus acquired should be considered as particularly sacred in cases where the State Governments authorized the cessions made by Indians; for, if those Governments have gone beyond the limits of their powers in so doing, certainly the stranger who acts with good faith should not be made the sufferer.

As to cessions made by the authorities, or proprietors, not Indian, before the country was annexed to the United States, the greater portion of these were in Louisiana, and constitute the property of individuals, whose rights were formally admitted and guarantied by the fourth article of the treaty of cession of that country. Nevertheless, instead of testing the validity of the rights of those holders by their accordance with the terms of the treaty; instead of examining them with reference to the state of things when the cessions of the lands were made; taking, also, into consideration, the distance of the period, the interruption of relations between the two countries on account of the long European wars, the agents of the Federal Government, guided, doubtless, by their zeal, have proceeded to examine into the titles of these proprietors, and to submit them to new laws. In truth, it must be owned that the claimants have been received with favor by the Federal Government, and committees have been named for the purpose of proposing an equitable mode of recognising the rights of proprietors which are based upon ancient titles, and guarantied by treaty. Moreover, it being impossible to set a value upon the losses sustained by the French, and thus to fix the indemnifications to which they would be entitled in the cases of each class of cessions stated above, the most equitable method of regulating these indemnifications would be, to name a commission composed of persons of the two nations, (*commission mixte,*) which should be charged with the examination of all the grants to Frenchmen which should be presented and proved within a given period. All that would be necessary would be to establish the principle upon which such commission would be formed, and under which it would act in the treaty which is now in progress.

PARIS, *June* 19, 1831.

MONSIEUR LE COMTE: According to your excellency's desire, expressed to me on the 17th instant, I have now the honor to transmit to you some observations, hastily thrown on paper, in relation to the French reclamations presented in the memoir which accompanied your excellency's note of the 15th. The time has not permitted, nor have I supposed it necessary, after the numerous oral explanations which have taken place, to enter into a more detailed examination of these reclamations.

I have the honor to be,
With distinguished consideration,
Your excellency's most obedient
and most humble servant,
W. C. RIVES.

A Son Excel. LE COMTE SEBASTIANI,
Ministre, Sec. d'Etat, &c. &c. &c.

No. 1.—*Affaire Beaumarchais.*

This question has its origin in a recital contained in the contract concluded between Count de Vergennes and Dr. Franklin, on the 25th February, 1783, in which, in addition to the loans made by the King of France to the United States, mention is specially made of "aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King; three millions of which were granted before the treaty of February, 1778, and six millions in 1781." Two millions only having come to the hands of the Congress of the United States, or of their official agents, previous to the treaty of February, 1778, it became necessary to investigate through what channel and in what manner the other million had been furnished to the United States. A suspicion immediately arose that this million had been received by Mr. Beaumarchais, who had sent a large amount of military supplies to the United States, for which, though he had been already paid four or five millions of francs, his account yet remained to be definitively adjusted. Inquiries were accordingly addressed to the French Government on the subject, to which an answer was returned, that, besides the two millions furnished in 1777, one million (that in question) was paid out of the Royal Treasury on the 10th day of June, 1776; but a copy of the receipt was refused, and the minister also declined to disclose the name of the person who had received the money. The opinion continuing every day to gain strength, that this million had been received by Mr. Beaumarchais, who, in that case, would be accountable for it to the United States, a formal application was addressed by the minister of the United States to the French Government on the 21st day of June, 1794, asking for information relative to the million advanced in June, 1776, to whom it was paid, and for what objects expended; and stating expressly that the purpose of the application was to charge Mr. Beaumarchais with this sum in the settlement of his account for supplies, if it should appear that he was the person who received it. Monsieur Buchot, then Commissary of Exterior Relations, in answer to this application, sent a copy of a receipt for one million of francs, dated the 10th June, 1776, and signed by Monsieur Beaumarchais; which receipt, Monsieur Buchot adds, appears to be "celle dont le Gouvernement des Etats Unis a besoin pour regler ses comptes." No doubt thenceforward remaining that the million advanced on the 10th of June, "as aid and subsidy to the United States," had been received by Mr. Beaumarchais for their use, he was held accountable for it by the officers of the treasury, and formally charged with it in a definitive settlement of his accounts, which took place in the year 1805. That settlement still left a balance of 222,046 francs due to Monsieur Beaumarchais, which, in the following year, was paid to his heirs. Since that period the question in regard to the disputed million has been revived by the heirs of Beaumarchais, in an appeal to the Congress of the United States from the decision made by the Treasury Department. They allege that the million received by Monsieur Beaumarchais was applied by him to some secret service, unconnected with the purchase of supplies; and, in support of that assertion, they have adduced certain declarations made by the ministers of France:

1st. That the French Government "est resté constamment étranger à toutes les transactions mercantiles de Monsieur Beaumarchais avec les Etats Unis."

2d. That the million paid to Mr. Beaumarchais, on the 10th June, 1776, "etait donné pour un objet de service politique secret, dont le Roi s'est reserve la connaissance."

These declarations have never appeared to the Government of the United States sufficient for the purpose for which they have been cited. The first is understood only to affirm that the French Government had no participation in the commercial risks, profits, or losses of Mr. Beaumarchais: that it was not intended to convey the idea that they had made no sales or advances to him on account of the supplies, may be inferred from the admitted fact that a considerable part of those supplies was taken from the King's stores and arsenals. The second declaration does by no means exclude the idea that the million in question

was given to Mr. Beaumarchais to purchase military supplies for the use of the United States; for an advance made with the view of thus aiding revolted English colonies, in June, 1776, when the King of France was in full peace with Great Britain, might very naturally and properly be considered a secret political service.

The supposition that this million was given to Mr. Beaumarchais, not to reach the United States in a material and tangible service, but to be paid to some other person for what is technically called secret service, is plainly inconsistent with the language of the financial contract already cited, in which this million is mentioned as an "aid and subsidy furnished to the Congress of the United States," and, also, with that used by Count de Vergennes, in a letter to the King of France, on the 2d of May, 1776, in which, referring to this same million, he speaks of the measures he proposed to adopt, "pour faire passer aux Americaines, &c." The letter of the Duke de Richelieu, referred to in the notes, if examined with attention, will be found not to contain that "simple but explicit negative declaration" of a matter of fact which Mr. Gallatin had suggested. He makes no new declaration whatever in regard to the application of the million, but merely comments and reasons upon the sufficiency of those which had been already made, and concludes with saying, "Je suis donc fondé, &c. à persister dans les precedentes, declarations, &c."

In regard to the essential merits of this reclamation, an invariable opinion prevailed in the councils of the United States that it is not just. This opinion is founded on numerous communications of the American commissioners who resided in France at the time, on repeated assurances given to those commissioners by the ministers of the King, on the language used by the most confidential of those ministers with regard to the million in question, in the letter and instrument already cited; to which may be now added the language used by the King himself in a letter addressed by him, on the 8th of January, 1778, to the King of Spain, in which, urging the policy of France and Spain encouraging the revolt of the American colonies, he speaks of the "secours d'argent et autres que nous leurs avons donné, *le tout etant passé sur le compte du commerce.*"

If, as is mentioned in the notes, some of the public functionaries of the United States, and a part (though not a majority) of the committees in Congress who have examined the subject, have recommended the payment of this reclamation, it has not been from any conviction of its justice; but, as their respective recommendations will show, from different considerations. Certain it is that the Congress of the United States, with whom alone the decision rested, has heretofore uniformly refused to admit it.

The report of the 16th of February, 1824, referred to in the notes, far from recognising the justice of the claim, expresses the opposite opinion on its merits, and proposes to refer it to the Executive, to be discussed in the pending negotiations, only because it had been already introduced into those negotiations by the French Government; and in order, as the report adds, to obtain, on the scene of the transaction itself, such further developments as might tend to dispel the obscurity, and remove the doubts then existing.

No. 2.—*Affaire de la Vengeance et de la Franchise.*

I have no knowledge of the circumstances of this case, except what has been derived from a hurried glance at some documents shown me by an agent of the claimants. From those documents, it appears that the affair originated in a *rixe* which took place between the American and French sailors at a house of bad fame, in which an American was killed, and a French sailor severely wounded. It appears, moreover, from the report made in the Chamber of Deputies on the 11th of September last, that the State, within whose jurisdiction this affair occurred, offered to make reparation for it; but that the minister of France in the United States opposed himself to the consummation of the arrangement. If this should be the case, it would, according to the principle even assumed in the note, materially impair the application now presented for indemnity. In the total ignorance in which I am of the facts, it is impossible to form a decided opinion as to the merits of this reclamation. Though it forms a case obviously different from those wrongs committed under express orders of the Government of France, for which the United States now claim redress, I doubt not that my Government would be disposed to make a candid examination of it, and, if found to constitute a fair demand on the justice of the United States, to make prompt reparation for it.

No. 3.—*Affaire de la Revanche du Cerf.*

I am wholly unacquainted with the facts of this case, having never before heard of it, and can form an opinion of it only from the statement contained in the note. From that statement, it appears that the act complained of was committed with perfect secrecy, under cover of the night, excluding thereby all opportunity for the protective interposition of the laws or of the public authority. Without, therefore, inquiring into any of the circumstances which may have formed the provocation to this act, it seems sufficiently clear that there is no principle of public law which can render the Government of the United States responsible for it.

No. 4.—*Affaire du St. Francois.*

This case is altogether new to me, and, it is presumed, has never been presented to the Government of the United States. If it were intended to found a demand of indemnity upon it, it would seem obviously just to have, in the first instance, carried it to the knowledge of the American Government, and thus to have afforded an opportunity for investigating the facts by receiving the statement of the officer whose conduct is complained of. The result of such an investigation might entirely change the aspect of the affair: at all events, justice requires that both parties should be heard.

No. 5.—*Affaire de la Jeune Emilie.*

This is a demand of indemnity for being forced, by the act of an American privateer, to quit the Banks of Newfoundland before completing a fishing adventure. American fishing vessels have experienced frequent molestations from French vessels of war on the Banks of Newfoundland, of which formal representations have been made by the minister of the United States to the Government of France. If indemnity be demanded for such irregularities, it ought, clearly, to be reciprocal.

No. 6.—*Affaire de la Minerve.*

It appears from the statement of this case, contained in the note, which is all the information I have concerning it, that the conduct of the American midshipman was promptly disavowed by the commanding officer. There was no necessary detention of the Minerva, arising from the act of the midshipman. The subsequent delay of twelve days at Mahon, being entirely voluntary, so far as appears, on the part of the captain, it is not seen on what principle the Government of the United States can be charged with it.

No. 7.—*Affaire de l'Eugene.*

I have no knowledge whatever of this case, except what is derived from the statement contained in the

note, and that is not sufficiently precise to furnish the ground of an opinion. The nature of the means used by the custom-house officers to oblige the vessel to quit the river, is not mentioned, nor are other essential circumstances stated. The river St. Mary's is a small river, forming the boundary between the ancient territory of the United States and the former Spanish possessions in Florida, and affording great facilities (which were often used) for evading the revenue laws of the United States. This circumstance called for great vigilance on the part of the custom-house officers of the Union. What causes of suspicion they may have had against the Eugene, which led to the adoption of the measures complained of, is not known here; though doubtless the whole matter is understood at Washington, where, it would seem from an allusion in the note, that it has been the subject of discussion. The damages claimed are altogether speculative, founded on the supposition that a more advantageous sale of the cargo might have been made in Florida than at Savannah. It is difficult to recognise in a speculative calculation of that sort, under any circumstances, a substantial foundation for indemnity.

No. 8.—*Affaire de la Calypso.*

As it seems, from the statement contained in the note, that this affair has been under discussion at Washington, I take it for granted that full explanations respecting it have been given there. Wholly uninformed as I am of the facts, it is, therefore, the less necessary for me to make any observations on the subject. One consideration, however, is too obvious to be omitted—that the laws of the United States furnished the means of redressing any injustice which the parties may have suffered, by appealing to the higher tribunals constituted for the express purpose of correcting the errors of inferior local authorities. From the exigencies of the case, and in conformity to what is believed to be the usage of all other countries, France herself included, questions like that arising in the case of the Calypso must, necessarily, in the first instance, be decided by some local tribunal. Citizens of the United States frequently experienced the most serious grievances, in similar cases, from the irregular or improper action of the local authorities in France. In one case, particularly, mentioned by Mr. Gallatin in a letter to Viscount Montmorency, of the 29th July, 1822, the vessel and cargo were sold by an inferior officer, (who would not permit the intervention of the consular agent of the United States,) for less than the value of the cables and anchors! These irregularities of the French local authorities have heretofore been made the subject of representation to the Government of France, with a view to preventive measures to guard against their recurrence, and not to found upon them a demand of indemnities. But if indemnities are demanded for acts of this character, justice clearly requires that they should be reciprocal, and extended to all cases depending on the same principle.

There is one reflection connected with this affair, which the claimants seem to have entirely forgotten, but which cannot, in justice, be lost sight of—that, but for the intervention of the recaptors, their property would have been wholly lost to them; and that, under the circumstances, the restoration of any part of it is, in fact, a gain for them.

No. 9.—*Affaire du Pactole.*

This is a demand for the restitution of discriminating duties alleged to have been imposed on a French vessel at Pensacola, contrary to the stipulations of the commercial convention of 24th June, 1822. Without entering into the circumstances of this case, of which I have no knowledge, it is sufficient to remark, that the Government of the United States, on behalf of its citizens, has, for several years past, demanded of the Government of France the restitution of discriminating duties imposed in France on American vessels, in contravention of the same treaty, and that a distinct negotiation is still pending on this subject. The Government of the United States would, doubtless, be eager to embrace any occasion for the reciprocal adjustment of these reclamations on both sides.

Nos. 10, 11, 12, 13.—*Affaires de la Jeune Eugenie, la Matilde, la Julie, l'Eliza.*

All these reclamations stand on the same foundation. The four vessels were all captured in the course of the same month, (May, 1821,) on the coast of Africa, by an American ship of war sent there to aid in the suppression of the slave trade. These vessels were engaged in that traffic, and the American officers, judging from the construction of some of them that they were in fact American property, successively took forcible possession of them all. One only of them, the Jeune Eugenie, was sent to the United States, where the American Government, having acquired proof that she was French property, immediately ordered her release. Of the three others, one was released by the American officer, and the remaining two effected their own release. Representations on account of the insult offered to the national flag were addressed by the minister of France to the Government at Washington, which immediately issued orders to the commanders of vessels charged with the suppression of the slave trade not to visit or search any vessels except those bearing the flag of the Union. The French Government declared itself satisfied with these measures, and the affair has been thenceforward considered as at an end. An injury had been done to the French nation in the violation of its flag by an American officer, and atonement was promptly made for it, which was declared to be satisfactory. The American Government owed no redress, nor the French Government any protection, to the individual interests concerned, which had forfeited all right to the one or to the other, by being engaged in a traffic odious to humanity, and the suppression of which the moral feelings of mankind have made the common cause of all nations.

No. 14.—*Affair of the "Trésor Royal."*

I know nothing of the circumstances of this claim, except so far as they are disclosed by the statement contained in the note. From that it appears that the Treasurer of the United States has been willing to pay the drafts in question whenever the French Government would produce the evidence that the individual creditors, for whose claims they were drawn, had been paid. The French Government has refused to do this, alleging that the United States can have no interest in the production of this evidence, that they owe no responsibility to the individual creditors, and that the convention of 1803 "has imposed upon them the pure and simple obligation to pay to France the twenty millions of francs." This reasoning, however, is not sustained by the convention itself, the third article of which declares that "the principal and interest of the said debts" (that is, the debts due by France to American citizens) "shall be discharged by the United States," &c; and the sixth article further shows that these debts are to be discharged by direct payments made by the United States to the American creditors, who, upon obtaining a certain certificate, "auront droit aux mandats sur le Trésor des Etats Unis." The Government of the United States, therefore, by the convention, has evidently contracted an obligation to the American creditors, and is interested in having proper evidence of the payment of their claims. It cannot be doubted, how-

ever, that the difficulty which has arisen might be easily arranged by proper explanations between the two Governments. The subject, it is believed, has never been presented to the political department of the Government at Washington, which would listen, as it has done on all other occasions, with loyalty and good faith, to any representations which the Government of France might think proper to address to it concerning this affair.

No. 15.—*Affaire des Legionnaires de Luxembourg.*

This is obviously a question between the Legionnaires and the State of South Carolina, to which the Government of the Union is entirely a stranger.

No. 16.—*Affaire des Concessions de Terrain.*

This reclamation relates to grants of land, in different parts of the Union, obtained from Indian tribes living within its limits, or derived under Governments which formerly possessed a portion of the territory now belonging to the United States. The note maintains the validity of the first mentioned grants, on the principle that the Indian tribes are virtually sovereign and independent, and, as such, have an incontestable right to dispose of their lands to whomsoever, and in whatever manner, they please. This position is contradicted by the invariable practice of all the European Governments who have, at any time, had possessions in America, and by solemn and repeated decisions on the point itself by the highest tribunals in the United States. Whatever may have been the form in which we have chosen to conduct our relations with the Indians, no principle of our polity is better understood, or more firmly established, than that the Indian tribes occupying portions of our territory do not possess a single attribute of national sovereignty, but are completely subject to the paternal dominion and tutelage of the United States, in whom only the sovereignty of the country resides. This is a question which it belongs to the United States alone to determine, and they have determined it on numerous occasions, and in the most solemn form, by the highest authorities known to the laws and constitution of the country. Whatever regulations the Government of the United States may have found it necessary to establish in relation to the transactions of individuals with the Indian tribes, and that, too, in the interest of the Indians themselves, whom too much care could not be taken to protect against fraud, these regulations apply alike to their own citizens and to foreigners; and a foreign Government certainly has abundant cause of satisfaction when it knows that its own subjects are put on the same footing as natives.

The grants of land referred to as having been derived under Governments which formerly possessed a portion of the territory now belonging to the United States, are said to be chiefly in the State of Louisiana, and an article of the treaty of cession of that country is invoked, as if it had specifically guarantied the grants in question. But I find nothing else in the treaty than a general declaration that "*les habitans seront incorporés dans l'Union des Etats Unis et admis, aussitot qu'il sera possible, &c. &c., et en attendant, seront maintenus et protegés dans la jouissance de leurs libertés propriétés, et dans l'exercise des réligions qu'ils professent.*" If there be any thing else in this treaty, or in any other treaty, which may be supposed to have a bearing on the grants in question, it is sufficient to say that all treaties made with foreign Powers are solemnly declared by the constitution of the United States "to be the supreme law of the land," and that the tribunals of the country are bound, and do in fact govern their decisions, by them. When controversies arise in regard to land titles, it is the common law of all nations that they should be decided according to the laws and by the tribunals of the country where the lands are situated. In judging claims of this character, in which foreigners may be interested, the tribunals of the United States are governed, with a rigid impartiality, by the same rules and principles which are applied to similar claims of native citizens. Nothing more can be fairly demanded by a foreign Government. If, from an inherent vice in the titles themselves, or from a non-compliance with the conditions of their grants, some of the natives of France have failed to establish their pretensions before the regular tribunals constituted for the purpose, the fault is certainly not that of the United States. If, when a claim cannot be judicially sustained, there yet may exist circumstances to recommend it to a benevolent consideration of the legislative authority, the appeal must be to Congress, where it seems that the claimants in question have already met with a reception that leaves them no cause of complaint. But to admit a foreign agency in the determination of questions of this character, would be a derogation of national sovereignty to which the Government of the United States can never consent.

Mr. Rives to Mr. Livingston.

[No. 74.] PARIS, *June* 29, 1831.

SIR: On the 15th instant I again called on the Minister of Foreign Affairs, for the purpose of urging upon him the necessity of bringing our negotiation to a definitive conclusion. I found Baron Deffandis with him, who entered into various explanations and arguments respecting the French claims. A general conversation on the subject ensued, which was necessarily vague and inconclusive, as no formal specification of these claims had yet been presented to me. Baron Deffandis said that the exposition which they had been preparing in the bureaux, was nearly completed; and the minister promised to send it to me as soon as it was finished.

I remarked to Count Sebastiani that, as some of the claims which had been mentioned were obviously unsustainable, I hoped he would present none others than such as were approved by his personal convictions of their justice. He assured me that none should be presented but such as seemed to be founded in principles of equity.

In the evening of the same day, I received from the minister a note, accompanied by a list of fourteen pecuniary claims, amounting to 4,689,251 francs, and distinct expositions of each, together with two additional memoirs on claims of a peculiar character; copies of all which are herewith enclosed.

On the 17th instant, having examined, as far as the means in my possession would enable me, the merits of these reclamations, I again called on the Minister of Foreign Affairs, and discussed with him and Baron Deffandis, (who was again present,) in considerable detail, the greater part of them. The minister then suggested that, as they had presented their claims in a written exposition, it would be more satisfactory and useful to receive my observations on them in the same form, after which we might more readily come to an understanding in a personal interview. He said that, on Tuesday, the 21st instant, he would be able to devote several hours to a further discussion of the subject with me, provided I could prepare, in the mean time, my written observations on the several claims which had been presented, and would send them to him at least one day beforehand. To this arrangement I very promptly assented.

Although I felt the justice of several of these reclamations, and the plausibility of others, yet, as the best means of leading to a favorable compromise, it appeared to me expedient, in drawing up my observations, to state as strongly as I could, consistently with fair discussion, objections and arguments which might be urged against each of them. It was with this view, particularly, that, in treating the claim of the heirs of Beaumarchais, I brought forward, in as strong relief as the narrow limits of the discussion

would admit, the circumstances which had, from time to time, formed the ground of the argument against it in the United States among those who were opposed to its allowance.

There were, among the claims presented, several others which had been the subject of diplomatic discussion at Washington; but altogether uninformed of the ground which had been taken there, and having no other knowledge of the facts than what I could collect from the imperfect sketches presented by the French Government itself, I was compelled to confine myself to the general views of them. My observations were prepared in the course of the 17th and 18th of the month, and, in order to avoid the necessity of translation at the Department of Foreign Affairs, they were communicated in the French language. On the 19th instant they were transmitted to the minister with a note, a copy of which, as well as of the observations, is herewith enclosed.

On the 21st instant, the day proposed by the minister for our interview, I again called at the Office of Foreign Affairs. The minister said he had read and considered my observations with attention; that he did not deem it necessary to enter into a separate discussion of the several claims with me; that the principal one, and greatly exceeding all the others in amount, was that of the heirs of Beaumarchais; that the council before whom he had brought the subject, considered the claim just, and had determined to insist upon it: he had reason to believe, however, that the parties interested, in order now to secure their claim in a certain and definitive manner, might be induced to accept a sum less than the whole amount they had claimed; that the other claims, among which there were some of unquestionable justice, might, in like manner, be compromised, and that the whole subject of private French claims might thus be terminated by a transaction *en bloc*, and, in all probability, for two or three millions of francs.

He then sent for Baron Deffandis to give information on this point; but the Baron being detained at home by sickness, Count Sebastiani said it was necessary that he should see him before he could come to a definitive conclusion on the subject, and invited me to call again on the following morning. I remarked to the minister, that though I might not be disinclined to a compromise of these claims if he would be content with a reasonable allowance for pretensions so questionable, yet I could not consent to so high a sum as he had mentioned.

On the following day, (the 22d,) I called again on the Minister of Foreign Affairs, as he had proposed, and found Baron Deffandis with him. The discussion was resumed on the French claims, and particularly that of the heirs of Beaumarchais. After a great deal of conversation, which it is not deemed necessary to detail, the subject was arranged by the minister's agreeing to accept a gross sum of fifteen hundred thousand francs in satisfaction of all the claims.

The claim of the heirs of Beaumarchais alone amounted to 3,700,874 francs. From the peculiar nature of this claim, and the connexion of the French Government with it, the honor of the United States seemed now imperiously to demand its adjustment, whether intrinsically well founded or not. The million which, with its interest, had been charged to the account of Beaumarchais, was not alleged to have been paid to him by the United States. It was claimed as a gift put into his hands by the French King for the purpose of purchasing the supplies with which he had furnished the United States. But the French Government had repeatedly declared that it was not applied to the purchase of those supplies, but to an object of secret political service, of which Beaumarchais had rendered a satisfactory account to his own Government.

Under these circumstances, the claim had been successively recommended to the favorable consideration of Congress, by Presidents Jefferson, Madison, and Monroe; two Attorneys General of the United States, Messrs. Rodney and Pinckney, had given their official opinion that the credit claimed by the United States was not sustainable on legal principles; and, of ten committees of the House of Representatives who had examined the subject, six (for, since the preparation of my observations addressed to the Minister of Foreign Affairs, I find that a majority of these committees had made reports favorable to it) have recommended its payment.

If the claim were to be adjusted in the United States, it appeared impossible to separate the interest claimed from the principal. The committees of Congress which had made favorable reports on it, (particularly the select committee which made its report on the 28th January, 1823, and the Committee on Foreign Affairs, which reported on the 1st April, 1828,) seem always to have regarded the interest on this claim as necessarily incident to the principal; and Mr. Gallatin, then Secretary of the Treasury, in his letter of the 27th January, 1806, to the chairman of the Committee of Claims, it will be perceived, treated the interest as equally due with the principal. To get rid of this claim, amounting, alone, to more than three and a half millions of francs, and of others, (among which are some of clear justice,) amounting to one million more, for a gross sum of one and a half million of francs, was an arrangement so obviously advantageous for the United States, that I did not hesitate to adopt it.

The question respecting the eighth article of the treaty of cession of Louisiana then remained to be adjusted. The minister declared that the national sentiment, as well as the convictions and determination of the French Government, rendered a simultaneous arrangement of this question the indispensable condition of the acknowledgment of our reclamations; but that he was willing, with some little addition, to arrange it on the same basis which had been agreed upon between Monsieur Polignac and myself.

Monsieur David, the Secretary General of the Bureau of Commerce, who had been consulted by the Minister of Foreign Affairs on this subject, was present, and exhibited a projet he had prepared for a considerable reduction of duties on French wines and brandies. I explained to the minister the considerations connected with the interests of our own industry, which rendered it impossible for me to accede to any reduction of the duties on French brandies. After a protracted conversation, with the details of which it is unnecessary to trouble you, it was finally agreed that the United States should stipulate to reduce, for a term of ten years, the duties on French wines to the following rates, by the gallon, to wit: on wines in bottles, from 30 to 22 cents; on white wines, in casks, from 15 to 10 cents; and on red wines, in casks, from 10 to 6 cents; in consideration of which, France should entirely abandon her pretension under the eighth article of the treaty of cession of Louisiana, and, moreover, agree to abolish the distinction now made in the French tariff between the long staple and the short staple cottons of the United States, the effect of which will be a reduction of the duty on the former from 40 to 20 francs the 100 kilogrammes.

The motives and advantages of this arrangement on the part of the United States are so fully developed in my despatch of the 20th May, 1830, that I need not here enter into the subject again. That the increased consumption of French wines in the United States, under the reduced duties, will produce a material increase of the revenue arising from this source, I cannot doubt; while the salutary influence of the measure on the public health and morals in the free introduction of a cheap and unexciting drink, no less recommends it to the approbation of an enlightened patriotism, of which it is known, indeed, to have been long a favorite and cherished object.

I will remark, only, that the proposition made to Mon-

sieur Polignac, in May, 1830, had chiefly in view a reduction of the duty on wines in cask. But the Minister of Foreign Affairs desired a simultaneous reduction of the duties on other wines, with a view of conciliating the wine-growing interest of Champagne and Bourgoyne, as well as of the South of France. Instead, therefore, of a reduction of 50 per cent. in the duties on red wines in cask only, (which the calculations made in my despatch of the 20th May, 1830, would require, in order to establish an equality, in that respect, with Madeira wines,) it was agreed to grant an average reduction of about 33⅓ per cent. in the duties on all kinds of French wines.

Satisfactory explanations were given by the minister in regard to the difference in the rates of duties established, at present, in France, on the cottons of Turkey and India, and those of other countries; and I was convinced, indeed, notwithstanding this difference of duty, that the cottons of the United States had nothing to fear from a competition with the inferior qualities and reduced supplies of the cottons of other countries.

I had every reason, therefore, to be content with the equalization of the duties on the long staple and short staple cottons of the United States, operating a reduction of one-half of the duties now imposed on the former; especially as the real motive of the stipulated reduction of duties on French wines in the United States was not to obtain commercial advantages, but to get rid of a claim of perpetual privileges, founded on the language of a treaty which had heretofore proved an invincible obstacle to the just reclamations of our citizens, and might be most onerous and embarrassing for the future.

Mr. Gallatin, in his letter of 27th February, 1823, to Monsieur Chateaubriand, shows that the effect of this pretension, on the part of France, might be to put it in her power to monopolize, in favor of the French navigation, the carriage of the whole commerce between her dominions and the ports of Louisiana. Between the risk of such a consequence, which would have been entailed upon the United States "forever," in the event of an unfavorable issue of the arbitration proposed by the American Government in 1828, and a temporary arrangement which, at the same time that it finally extinguishes the pretensions of France, is intrinsically advantageous to ourselves, there cannot, it is presumed, be any hesitation in making an election.

The arrangements which had been agreed upon in this interview, left nothing to be done, but to settle, definitively, the form of the treaty in which they were to be incorporated. As the Minister of Foreign Affairs had not yet presented a contre projet, it was understood that he would prepare these additional stipulations, and make them a part of his projet. On the following day, (the 23d,) I returned to the Office of Foreign Affairs, for the purpose of consulting with Baron Deffandis (on whom the reduction of the contre projet devolved) in relation to several points of it; on which, for the most part, we agreed. He promised, as soon as the contre projet should have been approved by the council, to send it to me for examination. On the 26th instant, I received it, and have now the honor to enclose a copy. Yesterday I called on the Minister of Foreign Affairs, and proposed some slight alterations in it, most of which were readily acceded to. Some few points of expression only remain to be further considered. In a few days more, I have every reason to hope that the matter will be definitively consummated by the signature of the treaty.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. EDWARD LIVINGSTON,
Secretary of State.

Mr. Rives to Mr. Livingston.

[No. 75.] PARIS, *July* 8, 1831.

SIR: I have the honor to transmit, herewith, the treaty which has been concluded with the Government of France. It was reduced on its definitive form on the 30th ultimo, but the necessity of submitting it to the King, who had just returned from his tour in the eastern departments, and the subsequent absence of the Minister of Foreign Affairs, who accompanied the King in another excursion to Melun and Fontainbleau, on the 2d and 3d instants, prevented its signature till the 4th.

In communicating the result of this long and arduous negotiation, I do not suppose it necessary to enter into an analysis of the articles of the treaty, which either sufficiently explain themselves, or are already explained by the details given in my previous despatches. It will be perceived that the whole sum which the French Government is to pay on account of the reclamations of citizens of the United States for unlawful seizures, captures, &c., is twenty-eight and a half millions of francs. In regard to the adequacy of this sum to pay the just claims of our citizens, I have already had the honor to refer to the despatch of Mr. Gallatin of the 14th of January, 1822, and beg leave here to cite the passage of it which relates to this subject.

"Although I have enumerated all the cases within my knowledge, where actual condemnation had not taken place, I must add that it is possible that some vessels captured, and probably that some burnt at sea whilst the Berlin and Milan decrees were in force, have not yet been definitively condemned. But there can be no expectation that indemnity will ever be obtained either for those, or in any of the cases where there has been such condemnation. From all the documents which I have yet seen, I do not believe that the total amount of this last mentioned class, after deducting the cases where the destination of the vessels was concealed, enemy's property covered, or which might generally afford plausible grounds of condemnation, can exceed two millions of dollars in value. The Danish prizes, and the vessels and cargoes seized at Naples, are not included in that estimate. The amount of sequestrations and vessels burnt at sea, where no condemnation has taken place, may be estimated at about three millions of dollars. This last estimate cannot be far from the truth, since we know the amount of the two largest claims, the St. Sebastian and the Antwerp sequestrations. The answer which this Government may give to my last note, will show whether we have any thing to expect from its justice in any case whatever; for, if the Antwerp claim is rejected, there can be no expectation that they will voluntarily allow any other."

If the opinion here expressed be correct, and certainly none enjoys, or is entitled to more respect, the sum stipulated to be paid by the French Government will be amply sufficient to satisfy all the just claims of our citizens of every description, comprehended in the scope of the negotiation.

The schedules founded on statements of the claimants, which have from time to time been presented to Congress, carry the amount of the claims much higher; but, for obvious reasons, they are not a safe guide either in regard to the validity or the amount of the claims. During the past winter, I put these schedules into the hands of a most intelligent countryman, whose practical acquaintance with such subjects, and a personal knowledge of many of the transactions themselves, derived from a residence in Europe at the time, gave particular value to his opinion. He communicated to me the result of his examination in a letter, a copy of which, as showing the large deductions to be made from the schedules, and as containing other observations which may be found useful in the ultimate investigation of the claims, I herewith transmit.

The result which has been gained in the interest of the claimants has not been achieved without the greatest difficulty. The correspondence of Mr. Crawford, of Mr. Gallatin, and of Mr. Brown, with the Department of State, (the unfavorable parts of which have, for obvious reasons, not heretofore been given to the public,) shows that they regarded this whole subject as almost entirely hopeless. The difficulties, instead of being diminished, have been increased by the recent revolution here: the causes of which have been hinted at in several of my previous despatches, and particularly in that of the 8th of August, 1830. The more popular genius of the new Government, in creating a greater tenderness for the public purse, and stronger sympathies with the interests of tax-payers, has itself been a serious obstacle; to which have been added the pressure of extreme financial embarrassments, and the absorbing pre-occupation of European politics.

An arrangement which, amid so many difficulties, has secured for claims of our citizens (prosecuted in vain for the last twenty years, and a large portion, if not the whole, of which has been considered as desperate) a sum sufficient, in all probability, to pay every cent justly due, and nearly treble the amount pronounced to be due by the commission charged with their examination here; which has, at the same time, extinguished claims of French subjects against the United States to the amount of near five millions of francs, by a stipulation to pay a million and a half; and has finally gotten rid of a most embarrassing claim (founded on the language of a treaty) of perpetual privileges in the ports of one of the States of the Union, by a temporary measure intrinsically advantageous to ourselves, and, in the definitive settlement of these unpleasant questions, has laid a lasting foundation of harmony and friendship between two countries having the most important common interests, political and commercial—an arrangement marked by these features cannot, I trust, fail to be satisfactory, and to justify the responsibility which, under the discretionary powers the President has been pleased to confide to me, I have not hesitated to assume, both in the progress and termination of this complex negotiation.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. EDWARD LIVINGSTON,
Secretary of State.

Mr. Rives to Mr. Livingston.

[No. 78.] PARIS, *September* 28, 1831.

SIR: It has occurred to me that it might not be altogether without utility to furnish you some additional explanations respecting a clause of the seventh article of the treaty concluded with this Government on the 4th of July last. That article, after providing for a reduction of the duties on French wines to the rates therein specified, for a term of ten years, adds, "that the proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation on the 1st January, 1829, shall be maintained in case the Government of the United States should think proper to diminish those general rates in a new tariff."

The Minister of Foreign Affairs insisted on this addition as a *sine qua non* of the execution of the treaty.

He said that, without it, the stipulation to reduce the duties on French wines would be perfectly nugatory, as the United States might immediately, after reducing the duties on French wines to the rates agreed upon, make a very large reduction in the duties on the wines of other countries; and thus place the wines of France, relatively to those of other countries, in a much more disadvantageous position than ever. Feeling myself the fairness of this observation, and the Minister of Foreign Affairs declaring that, without the insertion of the clause in question, he could not sign the treaty, I saw no occasion for making a serious difficulty of it on my part.

At the same time, I did not lose sight of what is said in the instructions addressed to me on the 30th November, 1830; which, while sanctioning the proposition I had informally made to Monsieur Polignac respecting a reduction of duties on the wines of France, added that "proper care should be taken that the stipulation for this reduction of duties does not conflict with our engagements to other nations, by which we are bound to impose no higher duties upon articles the produce of the soil or industry of those nations, than upon similar articles of other nations when imported into the United States."

If the views presented in my despatch of 28th May, 1830, respecting the unequal rates of the existing duties on the wines of France and those of other countries, be correct, (as they are believed to be,) the effect of the stipulated reduction in the duties on French wines will be, not to admit them on more favorable terms than those of other countries, but simply to restore them to a just equality.

But a consideration not less conclusive is, that we have no engagement, of the kind referred to, with any wine-growing country.

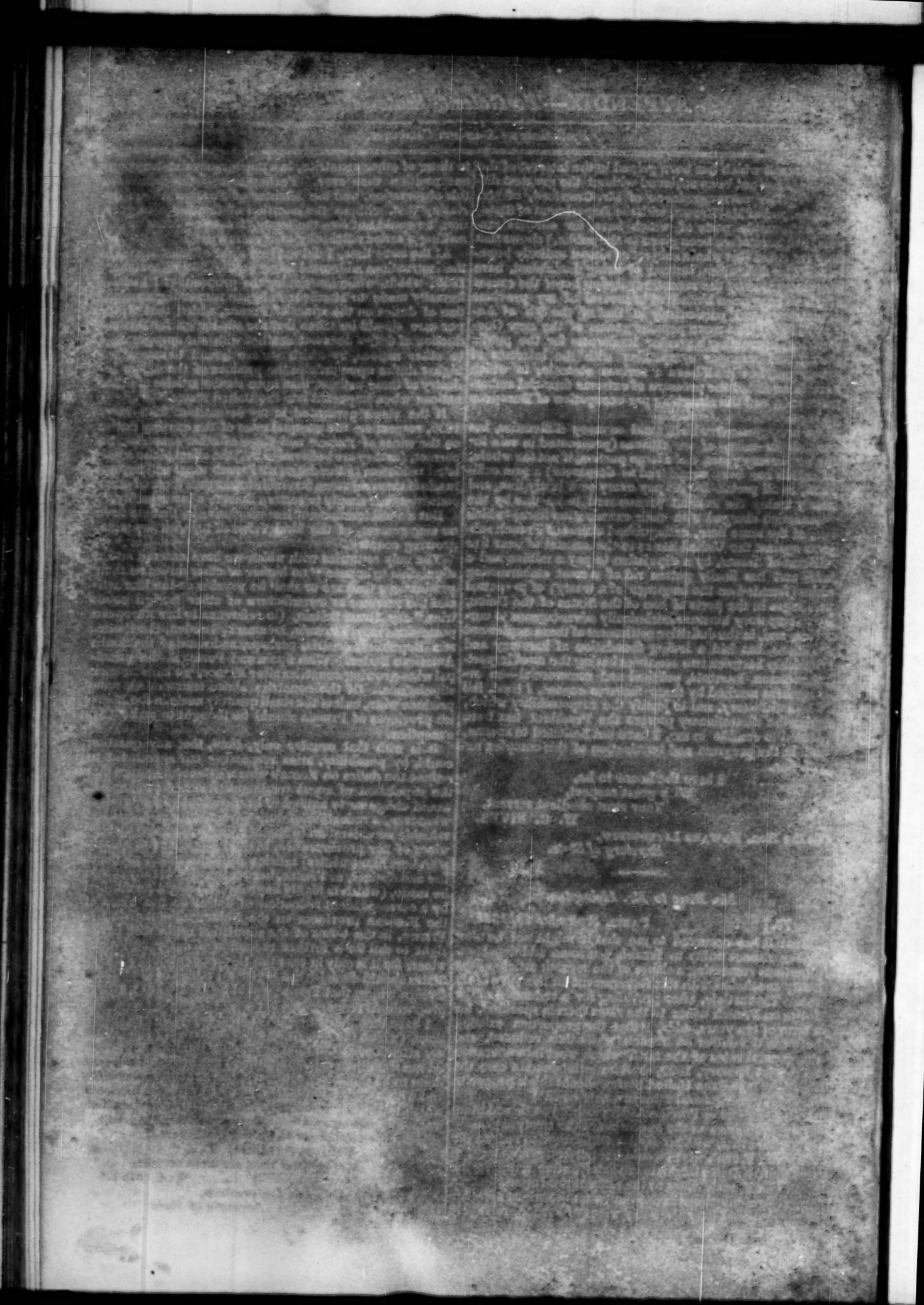
The only countries with which we have entered into a stipulation to impose "no higher or other duties on their productions than are or shall be payable on the like articles the produce or manufacture of other foreign countries," are Great Britain, (in reference to her European possessions only,) Prussia, Denmark, Sweden, the Hanseatic Republics, Austria, perhaps, and some of the South American States. With Spain and Portugal, the principal wine-growing countries after France, we have no such stipulations. Of the countries above enumerated, none produce wine, unless the small quantity made in the Rhenish provinces of Prussia should be thought to make it an exception.

It is with that country only, then, that any question could, by possibility, arise respecting our agreement to reduce the duties on French wines. Conceding even that the stipulation of equal treatment for her productions would oblige us to extend to her, without any equivalent whatever, a reduction of duties granted for a special and valuable consideration to another Power, and also that the wines of her provinces are, in the language of the treaty with her, like (mêmes) articles with the wines, so peculiar and distinct, of France, her reclamations, if any should be made, (which is highly improbable,) might be satisfied by a correspondent reduction of duties on the wines of the Prussian provinces on the Rhine, without giving to France, in the terms of the stipulation made with her, a right to call for a further reduction of duties on French wines; for it is only in case the Government of the United States should diminish the "general rates" of the tariff in foreign wines, that France would be entitled to a further proportional reduction on hers.

I have thought it proper to furnish you these explanations, (which the numerous other matters crowding upon my attention, at the time of sending the treaty, prevented me from then communicating,) not because I suppose them to be absolutely necessary, but *ex abundanti cautela*, and with a desire to possess you of every circumstance which might, by possibility, be deemed useful in estimating its provisions.

I have the honor to be,
With great respect,
Your most obedient servant,
W. C. RIVES.

To the Hon. EDWARD LIVINGSTON,
Secretary of State.



LAWS OF THE UNITED STATES,

OF

A PUBLIC NATURE,

PASSED AT THE SECOND SESSION OF THE TWENTY-SECOND CONGRESS, WHICH WAS BEGUN AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF COLUMBIA, ON MONDAY, THE THIRD DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-TWO, AND ENDING ON THE THIRD DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE.

An act making appropriations, in part, for the support of Government for the year one thousand eight hundred and thirty-three, and for certain expenditures of the year one thousand eight hundred and thirty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, viz:

For pay and mileage of the members of Congress and delegates, three hundred and seven thousand nine hundred and sixty-eight dollars.

For pay of the officers and clerks of both Houses, thirty-four thousand three hundred dollars.

For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate, twenty-five thousand six hundred dollars.

For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, one hundred thousand dollars.

The said two sums last named to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose. And no part of this appropriation shall be applied to any printing other than of such documents or papers as are connected with the ordinary proceedings of either of the said Houses, ordered during its session, and executed by the public printer, agreeably to his contracts, excepting such as may have been ordered by the Joint Committee for preparing a digest of laws for the District of Columbia, or such printing and books as have heretofore been ordered by the House.

For defraying the expenses of the several courts of the United States; also, for jurors and witnesses, and for defraying the expenses of suits in which the United States are concerned, and of prosecution for offences committed against the United States, and for the safe keeping of prisoners, during the year one thousand eight hundred and thirty-two, in addition to the sum heretofore appropriated for those purposes, the further sum of fifty-one thousand six hundred and fifty-five dollars.

Approved: January 14, 1833.

An act making appropriations for the Revolutionary and other pensioners of the United States for the year one thousand eight hundred and thirty-three.

Be it enacted, &c. That the following sums be appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States for the year one thousand eight hundred and thirty-three:

For the revolutionary pensioners under the several acts prior to that of the seventh June, one thousand eight hundred and thirty-two, six hundred and twenty-four thousand six hundred and eighty-five dollars, in addition to an unexpended balance of three hundred and six thousand five hundred and forty dollars.

For the invalid pensions, in addition to the sum of two hundred and one thousand nine hundred and forty-two dollars in the Treasury, ninety-eight thousand seven hundred and thirty-two dollars.

For pensions to widows and orphans, five thousand five hundred dollars.

Approved: January 14, 1833.

An act making appropriations for carrying on the Fortifications of the United States during the year one thousand eight hundred and thirty-three.

Be it enacted, &c. That the following sums be appropriated to the several objects hereinafter named specifically, to be paid out of any money in the Treasury not otherwise appropriated.

For the preservation of Castle Island, and repair of Fort Independence, Massachusetts, in addition to the sum heretofore appropriated, seventeen thousand dollars.

For Fort Adams, Newport harbor, one hundred thousand dollars.

For repairing Fort Columbus, and Castle Williams, New York, fifty thousand dollars.

For Fort Monroe, Virginia, forty-six thousand dollars.

For Fort Calhoun, Virginia, seventy-five thousand dollars.

For completing the works at Oak Island, North Carolina, twenty-two thousand nine hundred dollars.

For the fortifications in the harbor of Charleston, South Carolina, seventy-five thousand dollars.

For the Fort at Cockspur Island, Georgia, seventy-five thousand dollars.

For the completion of the fortifications at Pensacola, Florida, one hundred and thirty-two thousand dollars.

For completing the Fort at Mobile Point, Alabama, fifty thousand dollars.

For contingencies of fortifications, ten thousand dollars.

Approved: January 14, 1833.

An act to establish a land office in the Territory of Michigan.

Be it enacted, &c That all that part of the Territory of Michigan, which is comprehended within the following bonndaries, shall, from and after the passage of this act, constitute one land district for the sale and entry of the public lands, viz: lying between the third and fourth ranges of townships south of the base line and east of the principal meridian, except so much thereof as lies north of the river Huron of Lake Erie; and also, the first, second, third, fourth, fifth, and sixth ranges of townships south of said base line, and west of said principal meridian. And there is hereby established a land office within the same, to be located at such place as the President, in his discretion, shall think proper to designate.

Sec. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, under the existing laws, a Register and Receiver in and for said District, whose compensation shall be the same as provided for other Registers and Receivers.

Approved: January 30, 1833.

AN ACT to explain an act, entitled "An act to reduce the duties on Coffee, Tea, and Cocoa," passed the twentieth of May, one thousand eight hundred and thirty.

Be it enacted, &c. That in all cases in which the importers of Coffee or Cocoa, which remained in the Custom House stores under the bond of the Importer, on the thirty-first day of December, one thousand eight hundred and thirty, shall have paid on the same a greater amount of duty than is imposed by the act passed on the twentieth day of May, one thousand eight hundred and thirty, on Coffee or Cocoa, imported after the thirty-first day of December, one thousand eight hundred and thirty, the Secretary of the Treasury is directed to refund, out of any money in the Treasury not otherwise appropriated, to such importer the amount of such excess so collected.

Sec. 2. *And be it further enacted*, That, in all cases in which the Importers of Coffee, Tea, or Cocoa, which remained in the Custom House stores, on the thirty-first day of December, one thousand eight hundred and thirty one, under the control of the proper officer of the Customs, shall have been compelled to pay on the same a greater amount of duty than is imposed by said act, on Coffee, Tea, or Cocoa, imported after the thirty-first day of December, one thousand eight hundred and thirty-one, the Secretary of the Treasury is directed to refund, out of any money in the Treasury not otherwise appropriated, to such Importers, the amount of such excess so collected.

Approved: February 9, 1833.

AN ACT to amend an act, entitled "An act to alter and amend an act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" approved nineteenth February, one thousand eight hundred and thirty one.

Be it enacted, &c. That all persons who became entitled to an allotment of land under the contract recited in the first section of the act to which this is an amendment, their heirs, devisees, or assigns, who, on or before the thirty-first day of October, in the year eighteen hundred and thirty-two, were in the actual occupancy and cultivation of the same, or any part thereof, shall, on paying into the Treasury one dollar and twenty-five cents the acre previous to the fifteenth of May, one thousand eight hundred and thirty-four, receive a patent for his or her allotment or purchase: *Provided*, the Register of the Land Office for the District in which the lands lie, shall be satisfied of the validity of the purchase.

Sec. 2. *And be it further enacted*, That all persons in actual settlement and cultivation, before or on the thirty-first day of October, one thousand eight hundred and thirty one, upon any of the lands referred to by the act to which this is an amendment, and not disposed of by the first section of this act, or any former act of Congress, shall, on proof of such settlement and cultivation, and on paying into the Treasury of the United States, within six months after the passage of this act, one dollar and twenty five cents per acre, receive a patent for one hundred and sixty acres: *Provided*, That nothing in this act shall be so construed as to alter or repeal the third section of the above recited act.

Sec. 3. *And be it further enacted*, That so much of the act of which this is an amendment as requires that payment shall be made previous to the third of March, eighteen hundred and thirty-three, be, and the same is hereby, extended to the fifteenth of May, one thousand eight hundred and thirty-four.

Approved: February 19, 1833.

AN ACT to amend an act, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution."

Be it enacted, &c. That the second section of the act, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," approved the seventh day of June, one thousand eight hundred and thirty-two, shall not be construed to embrace invalid pensioners; and that the pensions of invalid soldiers shall not be deducted from the amount receivable by them under the said act.

Approved: February 19, 1833.

AN ACT for the further improvement of Pennsylvania Avenue.

Be it enacted, &c. That the Commissioner of the Public Buildings be, and is hereby, authorized and directed to alter the plan for the improvement of Pennsylvania avenue, as provided for by an act passed the twenty-fifth day of May, one thousand eight hundred and thirty-two, by causing that portion of the avenue lying between the road directed to be Macadamized and the side pavements, to be graduated and covered with stone, on the Macadam's plan, in place of gravel, provided for by said act; also by extending the foot pavements not less than five and a half feet on each side, and forming side drains, not less than four and a half feet wide; and further, by setting a line of curbs of granite, eight inches thick, on each side of that part of the avenue between the Capitol square and the President's square, with suitable returns at the cross streets, and Macadamizing the cross streets fifty feet on each side of the Macadamized cover of the avenue.

Sec. 2. *And be it further enacted*, That, to carry into effect the provisions of this act, the sum of sixty-nine thousand six hundred and thirty dollars be, and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved: February 19, 1833.

AN ACT for the payment for horses and arms lost in the military service of the United States against the Indians on the frontiers of Illinois and the Michigan Territory.

Be it enacted, &c. That any mounted militiaman or volunteer whilst in the service of the United States, in the late expeditions against the Indians, on the frontiers of Illinois and the Territory of Michigan, who sustained damage by the loss of any horse which was killed in battle, or died in consequence of a wound received therein, or in consequence of a failure on the part of the United States, to furnish such horse with sufficient forage whilst in the service, or in consequence of the owner being dismounted, or separated and detached from the same, by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time of going into service: *Provided*, Such loss was not the result of negligence on the part of the owner; the time employed in going to the place of rendezvous, and returning home after being discharged, to be taken and considered as actual service.

Sec. 2. *And be it further enacted*, That any person in the aforesaid service of the United States, as a volunteer or drafted militiaman, who furnished himself with arms and military accoutrements, and has sustained loss by the capture or destruction of the same, without fault or negligence on his part, shall be allowed and paid the value thereof.

Sec. 2. *And be it further enacted*, That all claims arising under this act shall be examined, allowed, and

paid in the same manner by the Third Auditor, that similar claims were under "an act to authorize the payment of property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed the ninth of April, one thousand eight hundred and sixteen, and the act in amendment thereof, passed the third of March, one thousand eight hundred and seventeen; this act to be and remain in force three years from and after its passage.

Approved: February 19, 1833.

AN ACT for the purchase of certain copies of Watterston and Vanzandt's Statistical Tables, and to authorize a subscription for a continuation of the same.

Be it enacted, &c. That the Librarian of Congress be, and he hereby is, authorized to purchase, for the Library of Congress, the remaining copies, not exceeding two hundred in number, of Watterston and Vanzandt's Statistical Tables, at the subscription price of two dollars and fifty cents per copy: *Provided*, The supplementary tables marked page ninety-four*, be furnished for the said copies, and for the copies now on hand in the Library; and that the Librarian be further authorized to subscribe for seven hundred and fifty copies of the continuation of the said tables, proposed to be published by Watterston and Vanzandt, at three dollars per copy; the said copies to be distributed as provided for by the first section of a joint resolution, approved twenty-fourth May, one thousand eight hundred and twenty-eight, for the distribution of certain public documents; the same to be paid for out of any money in the Treasury not otherwise appropriated.

Approved: February 19, 1833.

AN ACT making appropriations for the Naval Service for the year one thousand eight hundred and thirty-three.

Be it enacted, &c. That the following sums be appropriated for the naval service for the year one thousand eight hundred and thirty three, in addition to the unexpended balances of former appropriations for similar objects, viz:

For pay and subsistence of the officers of the navy, and the pay of seamen, one million four hundred and forty-five thousand dollars.

For pay of superintendents, naval constructors, and all the civil establishments at the several yards, fifty seven thousand three hundred and thirty dollars.

For provisions, four hundred and sixty thousand dollars.

For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, five hundred and six thousand seven hundred and fifty dollars.

For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, thirty-five thousand dollars.

For improvements and necessary repairs of navy yards, viz:

For the navy yard at Portsmouth, twenty-one thousand five hundred and twenty-four dollars.

For the navy yard at Boston, seventy-three thousand five hundred and thirty-five dollars.

For the navy yard at New York, thirty-four thousand eight hundred and fifty dollars.

For the navy yard at Philadelphia, three thousand two hundred and seventy-five dollars.

For the navy yard at Washington, sixteen thousand dollars.

For the navy yard at Norfolk, one hundred and twenty-six thousand five hundred and twenty-nine dollars.

For the navy yard at Pensacola, fifty-three thousand one hundred and fifty dollars.

For ordnance and ordnance stores, ten thousand dollars.

For defraying expenses; for freight and transportation of materials and stores of every description; for wharfage and dockage, storage and rent, travelling expenses of officers, and transportation of seamen, house rent, chamber money, and fuel and candles to officers, other than those attached to navy yards and stations, and for officers in sick quarters, where there is no hospital, and for funeral expenses; for commissions, clerk hire, and office rent, stationary, and fuel to navy agents; for premiums, and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowances for persons attending courts martial, and courts of inquiry, and for officers engaged in extra service beyond the limits of their station; for printing, and stationary of every description, and for books, maps, charts, and mathematical and nautical instruments, chronometers, models and drawings; for purchase and repair of steam and fire engines, and for machinery; for purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage; for cabinet furniture of vessels in commission, and for furniture of officers' houses at navy yards, for taxes on navy yards and public property; for assistance rendered to vessels in distress; for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel for forges, foundries, and steam engines; for candles, oil, and fuel, for vessels in commission and in ordinary; for repairs and building of magazines and powder houses; for preparing moulds for ships to be built, and for no other object or purpose whatsoever, two hundred and ninety-five thousand dollars.

For contingent expenses for objects not hereinbefore enumerated, five thousand dollars.

For pay of the officers and non-commissioned officers, musicians, and privates, and for subsistence of the officers of the marine corps, one hundred and twelve thousand nine hundred and ninety dollars.

For subsistence of non-commissioned officers, musicians, and privates, and washerwomen, serving on shore, eighteen thousand four hundred and thirty-nine dollars.

For clothing, twenty-eight thousand seven hundred and sixty-five dollars.

For fuel, nine thousand and ninety-eight dollars.

For contingent expenses, fourteen thousand dollars.

For military stores, two thousand dollars.

For medicines, hospital stores, and surgical instruments, two thousand three hundred and seventy dollars.

To enable the Secretary of the Treasury to discharge an outstanding claim for prize-money for the capture of the Algerine vessels in one thousand eight hundred and fifteen, twenty-one dollars, being part of an unexpended balance carried to the surplus fund.

For the payment of claims arising under the act of eleventh of July, one thousand eight hundred and thirty-two, entitled "An act concerning certain marine officers," eighteen thousand three hundred and thirty-seven dollars and twenty-eight cents.

Sec. 2. *And be it further enacted*, That, for the purpose of compensating the board authorized by the act of the nineteenth of May, one thousand eight hundred and thirty-to, for their services in revising and enlarging "the rules and regulations governing the naval service, with the view to adapt them to the present and future exigencies of this important arm of national defence," the sum of seven thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid by the Navy Department, according to the rates of allowances for detention on special service now prescribed by the rules and regulations of the Navy Department.

Sec. 3. *And be it further enacted*, That the salary di-

rected by "An act for the regulation of the navy, and privateer pension, and navy hospital funds," passed July tenth, one thousand eight hundred and thirty-two, to be paid to the clerk of said funds out of the Treasury of the United States, shall be paid from any money in said Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted*, That for carrying into effect the acts for the suppression of the slave trade, including the support in the United States, and for a term not exceeding six months after their arrival in Africa, of all persons removed from the United States under the said acts, the sum of five thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 5 *And be it further enacted*, That there be paid to Master Commandant John D. Sloat, of the U. States' navy, ont of any money in the Treasury not otherwise appropriated, the sum of one thousand three hundred and sixty dollars, being the amount of his account exhibited to the Navy Department, for expenses incurred in entertaining on board the St. Louis, under his command, General Bolivar and several of his officers, at Guayaquil, in the year one thousand eight hundred and twenty-nine; and General La Fuente, President of Peru, and Major General Miller, of the Peruvian army, in the year one thousand eight hundred and thirty-one.

Approved · Feb. 20, 1833.

AN ACT making Appropriations for Indian Annuities, and other similar objects, for the year one thousand eight hundred and thirty three.

Be it enacted, &c. That the following sums be, and the same are hereby severally appropriated, for the payment of annuities due to various Indians, and Indian tribes, and other objects hereinafter enumerated, according to the stipulations of certain Indian treaties ; to be paid out of any money in the Treasury not otherwiae appropriated, to wit :

To the Wyandot tribe, five thousand nine hundred dollars.

To the Wyandot, Munsee, and Delaware tribes, one thousand dollars.

To the Shawnee tribe, three thousand dollars, and eight hundred and forty dollars for expenses of a blacksmith and furnishing salt.

To the Shawanee and Seneca tribes of Lewistown, one thousand dollars, and seven hundred and eighty dollars for expenses of a blacksmith.

To the Delaware tribe, six thousand five hundred dollars, and one hundred dollars for furnishing salt.

To the Wea tribe, three thousand dollars.

To the Piankeshaw tribe, eight hundred dollars.

To the Kaskaskias tribe, one thousand dollars.

To the Ottaway tribe, five thousand three hundred dollars.

To the Ottaway and Missouri tribes, two thousand five hundred dollars, and fifteen hundred dollars for the expenses of blacksmiths and tools, and agricultural implements.

To the Chippeway tribe,three thousand eight hundred dollars; also, one thousand dollars for purposes of educa tion, and two thousand dollars for the purchase of farming utensils and cattle, and the employment of persons to aid them in their agriculture.

To the Chippeways, Ottaways, and Potawatamie tribes, sixteen thousand dollars, and one hundred and twenty-five dollars for furnishing salt.

To the Potawatamie tribe, sixteen thousand three hundred dollars, and one hundred dollars to To pe-ni-be, principal chief; also, three thousand dollars for purposes of education, and two thousand five hundred and twenty dollars for expenses of blacksmiths, millers, and agriculturists, and for furnishing salt, tobacco, iron, and steel.

To the Potawatamie tribe of Huron, four hundred dollars.

To the Choctaw tribe, fifty thousand nine hundred and twenty-five dollars; to Mushulatubbe, a chief, one hundred and fifty dollars, and to Robert Cole, a chief, one hundred and fifty dollars; also, twelve thousand five hundred dollars for the purposes of education, and two thousand nine hundred and fifty five dollars for expenses of blacksmiths and mill wrights, and for furnishing iron and steel.

To the Eel river tribe, one thousand one hundred dollars.

To the Six Nations, New York, four thousand five hundred dollars; also, two hundred dollars to the Young King, a chief, and fifty dollars to Little Billey, of the Seneca tribe.

To the Seneca tribe, of New York, six thousand dollars.

To the Creek tribe, forty-six thousand five hundred dollars; also, three thousand dollars for purposes of education, and nine hundred and fifty-five dollars for expenses of a blacksmith, and for furnishing iron and steel.

To the Cherokee tribe, ten thousand dollars; also, two thousand dollars for purposes of education.

To the Chickasaw tribe, twenty-three thousand dollars.

To the Sac tribe, three thousand dollars.

To the Sac and Fox tribes, two thousand dollars.

To the Sac, Fox, and Ioway tribes, three thousand dollars for the expenses of blacksmiths and agriculturists, and for furnishing farming utensils and cattle.

To the Fox tribe, three thousand dollars.

To the Ioway tribe, three thousand dollars; also, nine hundred dollars for expenses of a blacksmith, and furnishing agricultural tools.

To the Osage tribe, eight thousand five hundred dollars.

To the Seneca tribe of Lewistown, one thousand dollars, and thirteen hundred and fifty dollars for expenses of a blacksmith and miller, and for furnishing iron and steel.

To the Quapaw tribe, two thousand dollars.

To the Kickapoo tribe, of Illinois, two thousand dollars.

To the Florida Indians, five thousand dollars; also, one thousand dollars for purposes of education, and one thousand dollars for the expenses of a gun and blacksmith.

To the Miami tribe, twenty five thousand dollars; also, two thousand dollars for the support of poor and infirm, and education of youth, and two thousand and twenty dollars for expenses of a blacksmith, and for furnishing salt, iron, steel, and tobacco.

To the Winnebago tribe, eighteen thousand dollars; also, three thousand seven hundred and ninety dollars for expenses of blacksmiths and agriculturists, and for furnishing salt and tobacco.

To the Kansas tribe, three thousand five hundred dollars.

To the Christian Indians, four hundred dollars.

To the Sioux tribe, of Mississippi, two thousand dollars; also, one thousand seven hundred dollars for expenses of blacksmith, and furnishing agricultural tools.

To the Yancton and Santie bands, three thousand dollars; also, one thousand four hundred dollars for the expenses of a blacksmith, and furnishing agricultural tools.

To the Omaha tribe, two thousand five hundred dollars; also, one thousand five hundred dollars for expenses of a blacksmith, and furnishing agricultural tools.

To the Sac tribe, of Missouri river, five hundred dollars; also, nine hundred dollars for expenses of a blacksmith, and furnishing agricultural tools.

For purposes of education of Sacs, Foxes, and others,

as stipulated for in the treaty of July fifteenth, one thousand eight hundred and thirty, three thousand dollars.

For purposes of education of Chippeways, Menomonies, and Winnebagoes, as stipulated in fifth article of the treaty of Butte des Mortes, of eleventh August, one thousand eight hundred and twenty-seven; for the years one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty three, three thousand dollars.

For expenses of transportation and distribution of annuities to the Winnebagoes, Chippeways, Ottaways, Pottawatamies, Sacs, Foxes, and others, and of salt, tobacco, agricultural implements and tools, not otherwise provided for, five thousand one hundred and sixty dollars.

For expense of removing and keeping off intruders from Choctaw lands, by the twelfth article of the treaty of twenty-seventh September, one thousand eight hundred and thirty, five hundred dollars.

For expense of bounding, by sectional lines, the reservation to Choctaw heads of families, by the fourteenth article of said treaty, fifteen hundred dollars.

For an advance to the Ottaways, after their removal, for erecting houses and opening farms, to be reimbursed out of the sales of their lands, by the fifth article of the treaty of thirtieth August, one thousand eight hundred and thirty one, two thousand dollars.

For the payment of claims of sundry individuals against the Ottaways, guarantied by the seventh article, and enumerated in the sixteenth of the same treaty, also to be reimbursed out of the sales of their lands, twenty-one thousand two hundred and ninety-two dollars and twenty-five cents.

For the services of a person to certify contracts for the sale of Creek lands, by the third article of the treaty of twenty fourth March, one thousand eight hundred and thirty-two, one thousand dollars.

For expenses of defending suits, and so forth, instituted by intruders against Creek Indians, and keeping off intruders, by the fifth article of the same treaty, three thousand dollars.

For incidental expenses attending the aforesaid treaties, not otherwise enumerated, five thousand dollars.

Approved: February 20, 1833.

AN ACT to authorize the laying out and constructing a road from Line Creek to the Chatahooche, and for repairing the road on which the mail is now transported.

Be it enacted, &c. That the sum of twenty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, for the purpose of laying out and making a post road through the Creek nation of Indians, commencing at Line Creek, in the State of Alabama, and terminating at the Chatahooche, opposite Columbus, in the State of Georgia.

Sec. 2. *And be it further enacted*, That, for the early accomplishment of this object, the President shall appoint a superintendent of said road, whose duty it shall be, under the direction of the President, to divide the same into sections of not more than ten miles each, to contract for, and personally superintend the opening and making the said road, as well as to receive, disburse, and faithfully account with the Treasury for all sums of money by him received by virtue of this act, and the said superintendent shall receive, during the time he is so employed, at the rate of one thousand dollars per annum.

Sec. 3 *And it further enacted*, That, for the repairs of the road through said Creek nation, on which the mail is now transported, until the road authorized by this act is completed, the further sum of two thousand dollars, to be expended under the direction of the Postmaster General, be, and the same is hereby appropriated.

Approved: February 20, 1833.

AN ACT to authorize the Legislature of the State of Ohio, to sell the land reserved for the support of religion in the Ohio Company's, and John Cleves Symmes' purchases.

Be it enacted, &c. That the Legislature of the State of Ohio be, and is hereby, authorized to sell and convey, in fee simple, all or any part of the lands heretofore reserved and appropriated by Congress for the support of religion within the Ohio Company's, and John Cleves Symmes' purchases, in the State of Ohio, and to invest the money arising from the sale thereof, in some productive fund; the proceeds of which shall be forever annually applied, under the direction of said Legislature, for the support of religion within the several townships for which the said lands were originally reserved and set apart, and for no other use or purpose whatsoever, according to the terms and stipulations of the contracts of the said Ohio Company's, and John Cleves Symmes' purchases within the United States: *Provided*, said land, or any part of it, shall, in no case, be sold without the consent of the person who may be the lessee thereof, nor without the consent of the inhabitants of the township within which any such land may be situated, to be obtained in such manner as the Legislature of said State shall by law direct: *And provided, also*, That in the apportionment of the proceeds of said fund, each township within the districts of country aforesaid, shall be entitled to such portion thereof, and no more, as shall have accrued from the sum or sums of money arising from the sale of the church land belonging to such township.

Approved: February 20, 1833.

AN ACT further to extend the time for entering certain donation claims to land in the Territory of Arkansas.

Be it enacted, &c. That the provisions of the eighth and ninth sections of the act of Congress, approved the twenty fourth day of May, one thousand eight hundred and twenty-eight, entitled "An act to aid the State of Ohio in extending the Miami canal from Dayton to Lake Erie, and to grant a quantity of land to said State to aid in the construction of canals authorized by law, and for making donations of land to certain persons in Arkansas Territory," and the provisions of the act, entitled "An act restricting the location of certain land claims in the Territory of Arkansas, and for other purposes," approved the sixth of January, one thousand eight hundred and twenty-nine; and, also, the provisions of an act, entitled "An act to extend the time for locating certain donations in Arkansas," approved the thirteenth January, one thousand eight hundred and thirty, be, and the same are hereby, continued in force, for the term of five years, from the twenty-fourth day of May, one thousand eight hundred and thirty-three: Provided, That nothing in this act, or the foregoing acts, shall be so construed as to prevent the President of the United States from bringing the said lands in Arkansas into market under the existing laws; and all claims to donations under the before recited act, which shall not have been presented and allowed by the proper authorities, on or before the day which shall be fixed on by the President for the sale of said land, are hereby declared forfeited to the United States.

Approved: February 20, 1833.

AN ACT for making Calais and Pembroke, in the State of Maine, ports of delivery.

Be it enacted, &c. That the towns of Calais and of Pembroke, in the State of Maine, shall be ports of delivery, to be annexed to the district of Passamaquoddy.

Approved: February 5, 1833.

AN ACT making appropriations for the Civil and Diplomatic expenses of Government for the year one thousand eight hundred and thirty-three.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, viz :

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, sixty thousand dollars.

For clerks and messengers in the office of the Secretary of State, nineteen thousand four hundred dollars.

For clerks, machinist, and messenger, in the Patent Office, five thousand four hundred dollars.

For incidental and contingent expenses of the Department of State, including the expense of publishing and distributing the laws, twenty-five thousand dollars.

For compiling and printing the Biennial Register, eighteen hundred dollars.

To enable the Secretary of State to settle the accounts for preparing and superintending the printing of the revision of the former estimates of the population of the United States, three hundred dollars.

For completing the publication of the Diplomatic Correspondence of the United States, to the fourth of March, one thousand seven hundred and eighty-nine, in addition to the sum heretofore appropriated, two thousand seven hundred and fifty dollars.

For contingent and incidental expenses of the Patent Office, two thousand one hundred and seventy-five dollars.

For the superintendent and watchmen of the northeast executive building, eight hundred and fifty dollars.

For contingent expenses of said building, including fuel, labor, oil, repairs of the buildings, three thousand three hundred and fifty dollars.

For compensation to the clerks and messengers in the office of the Secretary of the Treasury, sixteen thousand five hundred and fifty dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks and messengers in the office of the First Comptroller, nineteen thousand one hundred dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Second Comptroller, ten thousand four hundred and fifty dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the First Auditor, thirteen thousand nine hundred dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Second Auditor, seventeen thousand nine hundred dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks aud messengers in the office of the Third Auditor, twenty-one thousand nine hundred and fifty dollars.

For compensation to the FourthAuditor of the Treasury, three thousand dollars.

For compensation to the clerks and messengers in the office of the Fourth Auditor, seventeen thousand seven hundred and fifty dollars

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Fifth Auditor, twelve thousand eight hundred dollars.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks and messenger in the office of the Treasurer of the United States, six thousand seven hundred and fifty dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the clerks and messengers in the office of the Register of the Treasury, twenty four thousand two hundred dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks and messengers in the office of the Commissioner of the General Land Office, twenty thousand five hundred dollars.

For compensation to the Solicitor of the Treasury, three thousand five hundred dollars.

For compensation to the clerks and messenger in the office of the Solicitor of the Treasury, three thousand nine hundred and fifty dollars.

For compensation to the Secretary to the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For the expenses of stationery, printing, and all other incidental and contingent expenses of the several offices of the Treasury Department, the following several sums, viz. :

For the office of the Secretary of the Treasury, including advertising and extra copying, and the sum of one thousand dollars applied from this fund for clerk hire and other expenses incident to the issuing of Revolutionary bounty land scrip, six thousand dollars.

For the office of the First Comptroller, including expenses for printing, one thousand three hundred and fifty dollars.

For the office of the Secod Comptroller, one thousand dollars.

For the office of the First Auditor, eight hundred dollars.

For the office of the Second Auditor, eight hundred dollars.

For the office of the Third Auditor, one thousand dollars.

For the office of the Fourth Auditor, one thousand dollars.

For the office of the Fifth Auditor, one thousand dollars.

For the office of the Treasurer of the United States, seven hundred dollars.

For the office of the Register of the Treasury, three thousand dollars.

For the office of the Commissioner of the General Land Office, ten thousand dollars.

For printing, parchment, and other expenses of the Land Office, during the year one thousand eight hundred and thirty-two, expended above the amount of the appropriation for such expenditures in that year, three thousand one hundred,and fifty eight dollars and forty cents.

For compensation for extra aid, during one thousand eight hundred and thirty three, in the issuing military land scrip and patents founded on Virginia military surveys and on private claims, examining and adjusting the accounts of surveyors general; and writing and recording patents for lands sold, four thousand dollars.

For compensation to seven clerks employed in writing and recording patents for land sold, by the United States, in continuation of the appropriation made for the same object last year, seven thousand dollars.

For a deficit of last year's appropriation for the same object for the month of December, four hundred and eighty one dollars and sixty-seven cents : *Provided*, That

no part of the appropriations herein made for the General Land Office, shall be applied or expended, for and on account of a Resolution of the Senate, passed the twenty-eighth day of February, one thousand eight hundred and twenty-three, requiring maps to be prepared, designating thereon by discriminating colors the lands sold, the lands granted to the States for internal improvements, donations to individuals, military grants, and private claims confirmed by the Government.

For the office of the Solicitor of the Treasury, twelve hundred dollars.

For translations, and transmitting passports and sea-letters, three hundred dollars.

For stating and printing the public accounts for the year one thousand eight hundred and thirty three, one thousand three hundred dollars.

For compensation of superintendent and watchmen of the southeast executive building, eight hundred and fifty dollars.

For contingent expenses of said building, three thousand three hundred and fifty dollars.

For compensation to the clerks and messengers in the office of the Secretary of War, twenty two thousand six hundred and fifty dollars.

For contingent expenses of the office of the Secretary of War, three thousand dollars.

For books, maps, and plans, for the War Department, one thousand dollars.

For additional or temporary clerk hire during the years eighteen hundred and thirty two, and eighteen hundred and thirty three, in order to carry into effect the act of seventh of June, eighteen hundred and thirty two, granting revolutionary pensions, twenty four thousand and thirty nine dollars.

For printing, stationery, rent, and expenses of procuring revolutionary records, arising under the act aforesaid, five thousand dollars

For additional clerk hire, messengers, stationery, printing, and other contingencies of the Pension Office, for the present year, four thousand dollars. And a Commissioner of Pensions shall be appointed by the President and Senate, who shall receive a salary of twenty five hundred dollars, which is hereby appropriated. He shall execute, under the direction of the Secretary of War, such duties in relation to the various pension laws, as may be prescribed by the President of the United States; and he shall also have the privilege of franking; but this provision shall only continue until the expiration of the next Congress.

For compensation to the clerks and messengers in the office of the Paymaster General, four thousand six hundred dollars.

For contingent expenses of said office, three hundred dollars.

For compensation to the clerks and messenger in the office of the Commissary General of Purchases, four thousand two hundred dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the clerks in the office of the Adjutant General, two thousand nine hundred and fifty dollars.

For contingent expenses of the said office, one thousand dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand nine hundred and fifty dollars,

For contingent expenses of said office, including advertising, two thousand five hundred dollars

For compensation to the clerks in the office of the Chief Engineer, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, one thousand dollars.

For the contingent expenses of the Topographical Bureau, including the purchase of books, repair of instruments, one thousand two hundred and eighty dollars.

For the services of a lithographer, and the expenses of the lithographic press of the War Department, seven hundred and fifty dollars.

For compensation to the clerks in the Ordnance office, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the clerk in the office of the Surgeon General, eleven hundred and fifty dollars.

For contingent expenses of said office, four hundred dollars.

For compensation to the clerks in the office of the Quartermaster General, two thousand one hundred and fifty dollars.

For contingent expenses of said office, six hundred dollars.

For the salary of the superintendent and watchmen of the northwest executive building, eight hundred and fifty dollars.

For contingent expenses of said building, including fuel, labor, oil, furniture, repairs of buildings, and improvement of adjoining ground, three thousand one hundred dollars

For completing the fence on the Pennsylvania avenue one thousand two hundred dollars.

For the fitting up the basement rooms of the Executive Building occupied by the War Department, for the preservation of papers, and the occupation of clerks, two thousand five hundred dollars.

For compensation to the clerks and messengers in the office of the Secretary of the Navy, thirteen thousand five hundred and eighty-six dollars.

For contingent expenses of said office, three thousand dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the clerks, draughtsman, and messenger, in the office of the Commissioners of the Navy Board, eight thousand four hundred and fifty dollars.

For contingent expenses of the office of the Commissioners of the Navy Board, one thousand eight hundred dollars.

For the salary of the superintendent of the southwest executive building, and the watchmen, eight hundred and fifty dollars.

For contingent expenses of said building, including fuel, labor, oil, repairs of building, engines, and improvement of the grounds, three thousand three hundred and fifty dollars,

For compensation to the two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks and messengers in the office of the Postmaster General, forty one thousand one hundred dollars.

For additional clerk hire in the Post Office Department, during the years one thousand eight hundred and thirty-one, and one thousand eight hundred and thirty-two, beyond the annual appropriation, thirty-four thousand four hundred and seventy-eight dollars.

For contingent expenses of said office, seven thousand five hundred dollars.

For superintendency of the buildings, making up blanks, and compensation to two watchmen and one laborer, sixteen hundred and forty dollars.

For compensation to the Surveyor General in Ohio, Indiana, and Michigan, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, two thousand one hundred dollars.

For compensation to the Surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, two thousand seven hundred dollars.

For compensation to the Surveyor in Illinois and Missouri, two thousand dollars.

For compensation to clerks in the office of said Surveyor, four thousand eight hundred and twenty dollars.

For compensation to the Surveyor General in Arkansas, one thousand five hundred dollars.

For compensation to clerks in said office, one thousand eight hundred dollars.

For compensation to the Surveyor in Alabama, two thousand dollars.

For compensation to clerks in the office of said Surveyor, one thousand five hundred dollars.

For compensation to the Surveyor in Louisiana, including fifty-four dollars ninety-five cents, from twenty-first June to thirtieth June, one thousand eight hundred and thirty-one, by act of third March, one thousand eight hundred and thirty-one, two thousand fifty-four dollars ninety-five cents.

For compensation to the clerks in the office of said Surveyor, by act of third March, one thousand eight hundred and thirty-one, fifteen hundred dollars.

For compensation to the Surveyor in Florida, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, three thousand dollars.

For compensation to the Commissioner of the Public Buildings in Washington city, two thousand dollars.

For compensation to the officers and clerk of the Mint, ten thousand six hundred dollars.

For compensation to assistants in the several departments of the Mint, and wages of laborers employed in the various operations of the establishment, fifteen thousand dollars.

For incidental and contingent expenses and repairs, cost of machinery, for allowance for wastage in gold and silver coinage of the Mint, thirteen thousand eight hundred and fifty dollars.

For completing the building for the Mint at Philadelphia, and machinery thereof, eleven thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, seven thousand eight hundred dollars.

For contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council, pay of the officers of the Council, fuel, stationery, and printing, seven thousand three hundred and ninety-two dollars.

For compensation to the Governor, Judges, and Secretary of the Arkansas Territory, seven thousand eight hundred dollars.

For pay and mileage of the Legislative Council of said Territory, six thousand nine hundred and ninety dollars.

For contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Florida Territory, including additional compensation to two of the Judges, under the act of twenty sixth May, one thousand eight hundred and thirty, at eight hundred dollars each, twelve thousand one hundred dollars.

For contingent expenses of the Florida Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council of Florida, pay of officers and servants of the Council, fuel, stationery, printing, and distribution of the laws, seven thousand five hundred dollars.

For compensation to the Chief Justice, the associate Judges, and district Judges of the United States, eighty-one thousand four hundred dollars.

For the salaries of Chief Justice and Judges of the District of Columbia, and of the Judges of the Orphans Court of the said District, nine thousand five hundred dollars.

For compensation to the Attorney General of the United States, four thousand dollars.

For compensation to the clerk in the office of the Attorney General, eight hundred dollars.

For a messenger in said office, five hundred dollars.

For contingent expenses of said office, five hundred dollars.

For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to the District Attorneys and Marshals, as granted by law, including those in the several Territories, twelve thousand seven hundred dollars.

For defraying the expenses of the Supreme Court, and District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and thirty three, and preceding years; and, likewise for defraying the expenses of suits in which the United States are concerned; and of prosecutions for offences committed against the United States, and or the safe keeping of prisoners, two hundred and twenty-five thousand dollars.

For the payment of sundry pensions granted by the late and present Governments, one thousand three hundred and fifty dollars.

For the support and maintenance of light houses, floating lights, beacons, buoys, and stakeages, including the purchase of oil, keeper's salaries, repairs and improvements, and contingent expenses, two hundred and thirty-one thousand eight hundred and fifty dollars.

For the salaries of registers and receivers of land offices where there are no sales, two thousand dollars.

For surveying the public lands, in addition to the unexpended balance of former appropriations, seventy thousand dollars.

For completing the survey of the Choctaw cession in Mississippi, and Alabama, sixty five thousand five hundred dollars.

For surveys of private land claims in Florida, eight thousand dollars.

For the salaries of the District Attorney, Agent, and Assistant Council, and contingent expenses in Florida, five thousand dollars.

For the salaries of two keepers of the public archives in Florida, one thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, twelve thousand dollars.

For Stationary and books for the offices of Commissioners of Loans, twelve hundred dollars.

For the fifth payment to Luigi Persico, for two colossal statues for the Capitol, four thousand dollars.

For the salaries of the ministers of the United States to Great Britain, France, Spain, Russia, and Colombia, forty-two thousand seven hundred and twenty-five dollars.

For the salaries of the Secretaries of Legation to the same places, nine thousand dollars.

For the salaries of the chargés des affairs to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Buenos Ayres, Chili, Peru, Mexico, Central America, Naples, and Colombia, sixty thousand seven hundred and twenty-five dollars.

For salary of the dragoman to the legation of the United States to Turkey, and for contingent expenses of that legation, six thousand five hundred dollars.

For outfits of the charge des affaires of the United States to Great Britain, Central America, and Colombia, thirteen thousand five hundred dollars.

For contingent expenses of all the missions abroad, thirty thousand dollars.

For the salaries of the agents for claims at London and Paris, four thousand dollars.

For the expenses of intercourse with the Mediterranean Powers, twenty-four thousand four hundred dollars.

For the relief and protection of American Seamen in foreign countries, thirty thousand dollars.

For the contingent expenses of foreign intercourse, thirty thousand dollars.

To satisfy a claim presented by his Majesty, the King of Sweden, on account of injuries sustained by subjects of the said Government in the island of St. Bartholomews by an illegal act of the commanding officer of the United States' sloop of war Erie, in the year one thousand eight hundred and twenty-three, five thousand six hundred and sixty six dollars and sixty-six cents.

To Washington Irving, late Secretary of Legation at London, for an arrearage on account of his services as Chargé d' Affairs, and for one quarter's salary, the allowance for his return to the United States, one thousand eight hundred and thirty three dollars and eighty-five cents.

To George W. Slacum, Consul of the United States at Buenos Ayres, on account of diplomatic services at that place, from the death of John M. Forbes, till the arrival of Francis Baylies, Chargé d' Affairs of the United States, from the fourteenth June, one thousand eight hundred and thirty-one, to the fifth of June one thousand eight hundred and thirty-two, four thousand eight hundred and seventy dollars.

To John Randolph Clay, Secretary of Legation at St. Petersburg, as an outfit, and on account of his services as Chargé d' Affairs one year, seven months and six days, seven thousand two hundred dollars.

To Cyrenius Hall, a resident of Upper Canada, the sum of five thousand three hundred dollars, (being the value of a schooner, the property of the said Hall, seized and libelled by the Collector of the port of Venice, in Sandusky bay, in the year eighteen hundred and seventeen, which was ordered by a decree of the district court of Ohio to be restored, but which, previously to said decree, had been lost,) with interest on the said sum of five thousand three hundred dollars from the tenth day of August, in the year eighteen hundred and seventeen, till the eighth day of January, eighteen hundred and twenty-one; and with further interest on the said sum from the twenty-eighth day of January, eighteen hundred and thirty-one, till paid.

To the clerk employed in the Department of State as a translator of foreign languages, in addition to the salary now provided by law, six hundred dollars per annum.

To the clerk employed in the Department of State as Agent of Accounts, in addition to the salary now provided by law, three hundred dollars per annum.

To indemnify Captain Daniel Turner, of the United States' Navy, for the expense of conveying the Netherlands' Minister, and his suite, from New York to Curacoa, by order of the Secretary of the Navy, in the year one thousand eight hundred and twenty-eight, eleven hundred and eighty-two dollars seventy-eight cents.

To indemnify Captain George Washington Storer, of the United States Navy, for the expenses of accommodating Commodore David Porter, Chargé d' Affaires of the United States at Constantinople, on board of the United States ship Boston; and for the expenses of conveying George Porter, Consul of the United States at Tangiers, from Port Mahon to Tangiers; and of conveying Lieut. Ebenezer Ridgway, Consul of the United States at Tripoli, and his family, from Port Mahon to Tripoli, in all five hundred dollars.

To Michael Hogan, the sum of eighteen thousand one hundred and twelve dollars and fifty cents, in full, for diplomatic services rendered the United States in Chili, from the eighteenth day of September, one thousand eight hundred and twenty one, to twenty-sixth of March, one thousand eight hundred and twenty four, and from the twenty-ninth of October, one thousand eight hundred and twenty-nine, to second of May, one thousand eight hundred and thirty-one.

To George F. Brown, Consular Agent at Algiers, three thousand three hundred and sixty-six dollars, for his services to the twentieth February, one thousand eight hundred and thirty-three.

For purchase of books for the library of Congress, five thousand dollars.

For payment of preparing and printing the documents ordered to be printed by Gales and Seaton, fifty thousand dollars, under the same restrictions and reservations as were contained in the appropriation for the same object at the last session.

For the payment to Jonathan Elliott, for two hundred and fifty copies of the Debates on the Federal Constitution, purchased by order of the House of Representatives United States, by their resolution of eighteenth February, one thousand eight hundred and thirty-three, three thousand one hundred and twenty-five dollars.

For two thousand copies of Cobb's Manual, purchased by virtue of a resolution of the House of Representatives of twenty-fifth of February last, one thousand dollars.

For the erection of a custom house at Middletown, Connecticut, four thousand eight hundred dollars.

For salary of the principal and assistant Librarians, contingent expenses of the library, and pay of messenger, three thousand five hundred and fifty dollars.

For alteration and repairs of the Capitol, five hundred dollars.

For the survey of the coast of the United States, twenty thousand dollars.

For the purchase of ground occupied by the custom house at Key West, four thousand dollars.

For defraying the expenses of repairing a building at Sandy Hook belonging to the United States, three hundred and nineteen dollars, thirty-one cents.

For the purchase of a building for the custom house at Castine, Maine, and repairing the same, eight hundred and fifty dollars.

For the erection of a custom house at New York, three hundred thousand dollars.

For compensation to the recorder, two commissioners, and translator, for the adjustment of private land claims in Missouri, according to the act of ninth July, one thousand eight hundred and thirty-two, eight thousand and fifty-five dollars, seventy cents.

For contingent expenses and office rent, two hundred and fifty dollars.

For the expense of bringing to the Seat of Government the votes for President and Vice President, seven thousand five hundred and twenty-one dollars and seventy-five cents.

For the payment of balances to officers of the old direct tax and internal revenue, being the balance of an appropriation carried to the suplus fund, six thousand seven hundred dollars twenty-three cents.

For making good a deficiency in the fund for the relief of sick and disabled seamen, fifteen thousand seven hundred and fifty dollars.

For removing obstructions in the Savannah river, being part of the balance of an appropriation carried to the surplus fund, forty-three dollars six cents.

For preserving and enclosing the marine hospital at Norfolk, two thousand eight hundred and seventy-five dollars.

For hospital furniture, beds and bedding, of the new hospital, one thousand dollars.

For paying certain inhabitants of the late province of West Florida, now citizens of Louisiana and Mississippi, the claims that have been passed by the accounting officers of the Treasury Department, one thousand eight hundred and seventy-seven dollars forty-five cents, being the balance of a former appropriation, carried to the surplus fund, which is hereby re-appropriated.

For the purpose of carrying into effect the act entitled "An act for the payment of the horses and arms lost in the military service of the United States against the Indians on the frontiers of Illinois and Michigan Territory, passed this session, there be appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sums which may be allowed according to that act.

To Hilliard Gray and Company, being a balance of a sum due them on their contract for printing a manual of infantry tactics, four hundred and ten dollars and fifty-nine cents, to be paid out of a sum formerly appropriated, a portion of which has been passed to the surplus fund.

For refunding and discriminating duties of tonnage which may have been collected on the vessels of Spain, France, or Portugal, subsequent to the abolition of such duties by either of those nations on vessels of the United States, two thousand dollars.

For compensation and expense of an Agent to Havana to procure the archives of Florida, four thousand five hundred dollars.

For completing the custom house at New London, Connecticut, four thousand dollars.

For surveying the lands in Illinois to which the Indian title has been extinguished by the late treaty with the Potawatamies, twenty thousand dollars.

For the purchase of a site, and the erection of a public warehouse in the city of Baltimore, fifty thousand dollars.

For the salaries of Registers and Receivers of the Land Offices established in the late Choctaw purchase, Mississippi, and for furnishing the offices with the necessary books and stationary, three thousand dollars.

For Thomas Douglass, Attorney of East Florida, for professional services, three hundred dollars.

For the purchase of a site and erection of a custom house in Newburyport, in the State of Massachusetts, fifteen thousand dollars.

For the expenses of printing the records in the Supreme Court of the United States, for the term of one thousand eight hundred and thirty-two, the sum of three thousand dollars; and for the same accounts at the term in one thousand eight hundred and thirty-three, the like sum of three thousand dollars.

For surveying the public lands recently purchased from the Indians in the State of Indiana, twenty-five thousand dollars.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized to loan on interest the instalments under the treaty of indemnity concluded at Paris on the fourth day of July, one thousand eight hundred and thirty-one, between the United States of America and his Majesty the King of the French, upon a pledge of the stock of the United States, or of the Bank of the United States, or to the Bank of the United States, subject nevertheless to be repaid to the public treasury whenever the commissioners appointed under the said treaty shall by their award direct to whom the said fund, with the accumulated interest, shall be distributed.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to the Collectors, Naval Officers, Surveyors, Gaugers, Weighers and Measurers, of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers respectively the same compensation in the year one thousand eight hundred and thirty-three, according to the importations of that year, as they would have been entitled to receive, if the act of the fourteenth July, one thousand eight hundred and thirty-two, had not gone into effect.

Sec. 4. *And be it further enacted*, That the further sum of fifty thousand dollars be appropriated out of any moneys in the Treasury not otherwise appropriated to carry into effect the provisions of the late Chickasaw treaty.

Sec. 5. *And be it further enacted*, That the time limited for making observations and returns thereof, under the act of fourteenth July, one thousand eight hundred and thirty-two, to "provide for the taking of certain observations preparatory to the adjustment of the northern boundary line of the State of Ohio," be, and the same is hereby, extended until the thirty-first day of December, one thousand eight hundred and thirty-five; and that, for the purpose of carrying into effect the provisions of the act aforesaid, the sum of six thousand one hundred and ten dollars be appropriated for the purchase of instruments; and the further sum of seven thousand five hundred dollars, for the expenses of taking such observations.

Sec. 6. *And be it further enacted*, That so much of the twenty-seventh section of the act approved third of March, one thousand eight hundred and twenty-five, as restricts the franking privilege of Members of Congress to the period of sixty days before and after each session, shall be, and the same hereby is, repealed, and it shall be lawful for the said privilege to be exercised by each Member of Congress from the period of sixty days before he takes his seat in Congress until the meeting of the next Congress, and that said privilege shall be extended to all members of the present Congress until the next session.

Approved: March 2, 1833.

AN ACT to modify the act of the fourteenth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports.

Be it enacted, &c. That, from and after the thirty first day of December, one thousand eight hundred and thirty-three, in all cases where duties are imposed on foreign imports by the act of the fourteenth day of July, one thousand eight hundred and thirty-two, entitled "An act to alter and amend the several acts imposing duties on imports," or by any other act, shall exceed twenty per centum on the value thereof, one tenth part of such excess shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-five, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-seven, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty nine, another tenth part thereof shall be deducted; and from and after the thirty-first day of December, one thousand eight hundred and forty-one, one-half of the residue of such excess shall be deducted; and from and after the thirtieth day of June, one thousand eight hundred and forty-two, the other half thereof shall be deducted.

Sec. 2. *And be it further enacted*, That so much of the second section of the act of the fourteenth of July aforesaid, as fixes the rate of duty on all milled and fulled cloth, known by the names of plains, kerseys, or kendal cottons, of which wool is the only material, the value whereof does not exceed thirty-five cents the square yard, at five per centum ad valorum, shall be, and the same is hereby repealed. And the said articles shall be subject to the same duty of fifty per centum, as is provided by the said second section for other manufactures of wool; which duty shall be liable to the same deductions as are prescribed by the first section of this act.

Sec. 3. *And be it further enacted*, That, until the thirteenth day of June, one thousand eight hundred and

forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected. And from and after the day last aforesaid, all duties upon imports shall be collected in ready money; and all credits now allowed by law, in the payment of duties, shall be, and hereby are abolished; and such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government; and from and after the day last aforesaid, the duties required to be paid by law on goods, wares and merchandize, shall be assessed upon the value thereof at the port where the same shall be entered, under such regulations as may be prescribed by law.

Sec. 4. *And be it further enacted*, That, in addition to the articles now exempt by the act of the fourteenth of July, one thousand eight hundred and thirty-two, and the existing laws, from the payment of duties, the following articles imported from and after the thirty-first day of December, one thousand eight hundred and thirty-three, and until the thirtieth day of June, one thousand eight hundred and forty-two, shall also (be) admitted to entry, free from duty, to wit: bleached and unbleacheh linens, table linen, linen napkins, and linen cambrics, and worsted stuff goods, shawls, and other manufactures of silk and worsted, manufactures of silk, or of which silk shall be the component material of chief value, coming from this side of the Cape of Good Hope, except sewing silk.

Sec. 5. *And be it further enacted*, That from and after the said thirtieth day of June, one thousand eight hundred and forty-two, the following articles shall be admitted to entry, free from duty, to wit: indigo, quicksilver, sulphur, crude salt petre, grind stones, refined borax, emory, opium, tin in plates and sheets, gum Arabic, gum Senegal, lac dye, madder, madder root, nuts and berries used in dying, saffron, tumeric, woad or pastel, aloes, ambergris, Burgundy pitch, cochineal, camomile flowers, coriander seed, catsup, chalk, coculus indicus, horn plates for lanterns, ox horns, other horns and tips, India rubber, manufactured ivory, juniper berries, musk, nuts of all kinds, oil of juniper, unmanufactured rattans and reeds, tortoise shell, tin foil, shellac, vegetables used principally in dying and composing dyes, weld, and all other articles employed chiefly for dying, except alum, copperas, bichromate of potash, prussiate of potash, chromate of potash, and nitrate of lead, aqua fortis, and tartaric acids. And all imports on which the first section of this act may operate, and all articles now admitted to entry free from duty, or paying a less rate of duty than twenty per centum ad valorem, before the said thirteenth day of June, one thousand eight hundred and forty-two, from and after that day may be admitted to entry, subject to such duty, not exceeding twenty per centum advalorem, as shall be provided for by law.

Sec. 6. *And be it further enacted*, That so much of the act of the fourteenth day of July, one thousand eight hunded and thirty-two, or of any other act as is inconsistent with this act, shall be, and the same is hereby repealed: *Provided*, That nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said thirtieth day of June, one thousand eight hundred and forty-two, of any act or acts, from time to time, that may be necessary to detect, prevent, or punish evasions of the duties on imports imposed by law, nor to prevent the passage of any act prior to the thirtieth day of June, one thousand eight hundred and forty-two, in the contingency either of excess or deficiency of revenue, altering the rates of duties on articles which by the aforesaid act of fourteenth day of July, one thousand eight hundred and thirty-two, are subject to a less rate of duty than twenty per centum, ad valorem, in such manner as not to exceed that rate, and so as to adjust the revenue to either of the said contingencies.

Approved: March 2, 1833.

AN ACT making appropriations for the Indian Department for the year one thousand eight hundred and thirty-three.

Be it enacted, &c. That the following sums be, and they are hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated, for the Indian Department for the year one thousand eight hundred and thirty-three, viz:

For the salary of the commissioner of Indian affairs, three thousand dollars.

For the pay of the superintendant of Indian affairs at St. Louis, and the several Indian agents, as established by law, twenty-six thousand dollars.

For the pay of sub agents, as established by law, seventeen thousand dollars.

For presents to Indians, as authorized by the act of one thousand eight hundred and two, fifteen thousand dollars.

For pay of Indian Interpreters and translators employed in the several superintendencies and agencies, twenty thousand dollars.

For the pay of gunsmiths, and blacksmiths and their assistants, employed within the several superintendencies and agencies, under treaty provisions, and the orders of the War Department, sixteen thousand dollars.

For iron, steel, coal, and other expenses attending the gunsmiths' and blacksmiths' shops, five thousand dollars.

For expenses of transportation and distribution of Indian annuities, nine thousand five hundred dollars.

For expenses of provisions for Indians at the distribution of annuities, while on a visit of business with the different superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars.

For expenses of building houses for Indian agents, blacksmiths' shops, and for repairs of the same, when required in the several agencies, two thousand dollars.

For contingencies of the Indian Department, twenty thousand dollars.

For supplying the deficiency in the appropriation for the compensation of Commissioners, and other expenses attending the adjustment of boundaries under the Treaty of Butte des Morts, contained in the act of twentieth May, one thousand eight hundred and thirty, making appropriations to carry into effect the said treaty, five hundred and fourteen dollars and sixty two cents.

Sec. 2. *And be it further enacted*, That the following sums being unexpended balances of former appropriations, be, and the same are hereby, re-appropriated to the several objects of the original appropriation, respectively, to be paid out of any money in the treasury not otherwise appropriated, viz: for the exchange of land with the Indians, and for their removal west of the Mississippi, by act of twenty eighth May, one thousand eight hundred and thirty, two hundred and eighty dollars and six cents.

For defraying the expenses of an expedition fitted out, consisting of the Militia of Georgia and Florida, for the suppression of aggressions of the Indians on their frontiers, three thousand eight hundred and thirty-nine dollars and eighty-six cents.

For carrying into effect a treaty with the Winnebagoes, by act of twenty-fifth March, one thousand eight hundred and thirty, the following sums, viz:

For payment of claims provided for by the fourth article, one hundred and fifty-eight dollars and seventy-two cents.

For expense of surveying the boundaries, nine hundred and forty-five dollars and forty-six cents.

For carrying into effect the treaty of twenty-ninth July, one thousand eight hundred and twenty-nine, with the Chippeways, Ottoways, and Pottawatamies, by act of twenty-fifth March, one thousand eight hundred and

thirty, for the expense of surveying the boundaries, six hundred and seventeen dollars and ten cents.

For carrying into effect a treaty with the Choctaw Indians, of eleventh October, one thousand eight hundred and twenty, by act of second March, one thousand eight hundred and twenty-seven, the balance re-appropriated thirtieth April, one thousand eight hundred and thirty, sixteen thousand and three dollars and forty-three cents.

For defraying the expenses of holding a treaty with the Cherokees for the purpose of extinguishing their claim to as much land as will be necessary for a canal to connect the Highwassee and Canasaga with each other, by act of second March, one thousand eight hundred and twenty seven, the balances re-appropriated thirtieth April, one thousand eight hundred and thirty, two thousand four hundred and fifty-nine dollars and nineteen cents.

Approved, March 2, 1833.

AN ACT further to provide for the collection of duties on imports.

Be it enacted, &c. That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way, in any collection district, it shall and may be lawful for the President to direct that the custom-house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel; and, in that case, it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district until the duties imposed on said cargoes, by law, be paid in cash, deducting interest according to existing laws; and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some Court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

Sec. 2. *And be it further enacted*, That the jurisdiction of the circuit courts of the United States shall extend to all cases, in law or equity, arising under the revenue laws of the United States, for which other provisions are not already made by law; and if any person shall receive any injury to his person or property for or on account of any act by him done, under any law of the United States, for the protection of the revenue or the collection of duties on imports, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury may reside, or shall be found. And all property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And if any person shall dispossess or rescue, or attempt to dispossess or rescue, any property so taken or detained as aforesaid, or shall aid or assist therein, such person shall be deemed guilty of a misdemeanor, and shall be liable to such punishment as is provided by the twenty-second section of the act for the punishment of certain crimes against the United States, approved the thirtieth day of April, anno Domini one thousand seven hundred and ninety, for the wilful obstruction or resistance of officers in the service of process.

Sec. 3. *And be it further enacted*, That in any case where suit or prosecution shall be commenced in a court of any State against any officer of the United States, or other person, for or on account of any act done under the revenue laws of the United States, or under color thereof, or for or on account of any right, authority, or title, set up or claimed by such officer, or other person, under any such law of the United States, it shall be lawful for the defendant in such suit, or prosecution, at any time before trial, upon a petition to the circuit court of the United States, in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate signed by an attorney or counsellor at law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and has carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit, and certificate, shall be presented to the said circuit court, if in session, and if not, to the clerk thereof, at his office, and shall be filed in said office, and the cause shall thereupon be entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of certiorari to the State court, requiring said court to send to the said circuit court the record and proceedings in said cause; or if it were commenced by capias, he shall issue a writ of habeas corpus cum causa, a duplicate of which said writ shall be delivered to the clerk of the State court, or left at his office by the marshal of the district, or his deputy, or some person duly authorized thereto; and, thereupon, it shall be the duty of the said State court to stay all further proceedings in such cause, and the said suit, or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be deemed and taken to be moved to the said circuit court, and any further proceedings, trial, or judgment therein in the State court shall be wholly null and void. And if the defendant in any such suit be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the said cause according to the rules of law and the order of the circuit court, or of any judge thereof, in vacation. And all attachments made and all bail and other security given upon such suit, or prosecution, shall be and continue in like force and effect, as if the same suit or prosecution, had proceeded to final judgment and execution in the State court. And if, upon the removal of any such suit, or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein, in the State court, can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a delaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court; and on failure of so proceeding, judgment of *non pros.* may be rendered against the plaintiff with costs for the defendant.

Sec. 4. *And be it further enacted*, That in any case in which any party is, or may be by law, entitled to copies of the record and proceedings in any suit or prosecution in any State court, to be used in any court of the United States, if the clerk of said State court shall, upon demand, and the payment or tender of the legal fees, refuse or neglect to deliver to such party certified copies of such record and proceedings, the court of the United

States in which such record and proceedings may be needed, on proof, by affidavit, that the clerk of such State Court has refused or neglected to deliver copies thereof, on demand as aforesaid, may direct and allow such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment, may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

Sec. 5. *And be it further enacted*, That whenever the President of the United States shall be officially informed, by the authorities of any State, or by a judge of any circuit or district court of the United States, in the State, that, within the limits of such State, any law or laws of the United States, or the execution thereof, or of any process from the courts of the United States is obstructed by the employment of military force, or by any other unlawful means, too great to be overcome by the ordinary course of judicial proceeding, or by the powers vested in the marshal by existing laws, it shall be lawful for him, the President of the United States, forthwith to issue his proclamation, declaring such fact or information, and requiring all such military and other force forthwith to disperse; and if at any time after issuing such proclamation, any such opposition or obstruction shall be made, in the manner or by the means aforesaid, the President shall be, and hereby is, authorized, promptly to employ such means to suppress the same, and to cause the said laws or process to be duly executed, as are authorized and provided in the cases therein mentioned by the act of the twenty-eighth of February, one thousand seven hundred and ninety-five, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for that purpose;" and also, by the act of the third of March, one thousand eight hundred and seven, entitled "An act authorizing the employment of the land and naval forces of the United States in cases of insurrection."

Sec. 6. *And be it further enacted*, That in any State where the jails are not allowed to be used for the imprisonmen of persons arrested or committed under the laws of the United States, or where houses are not allowed to be so used, it shall and may be lawful for any marshal, under the direction of the judge of the United States for the proper district, to use other convenient places, within the limits of said State, and to make such other provision as he may deem expedient and necessary for that purpose.

Sec. 7. *And be it further enacted*, That either of the justices of the Supreme Court, or a judge of any district court of the United States, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases of a prisoner or prisoners, in jail or confinement, where he or they shall be committed or confined, on, or by any authority or law, for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree, of any judge or court thereof, any thing in any act of Congress to the contrary notwithstanding. And if any person or persons to whom such writ of habeas corpus may be directed, shall refuse to obey the same, or shall neglect or refuse to make return, or shall make a false return thereto, in addition to the remedies already given by law, he or they shall be deemed and taken to be guilty of a misdemeanor, and shall, on conviction before any court of competent jurisdiction, be punished by fine, not exceeding one thousand dollars, and by imprisonment, not exceeding six months, or by either, according to the nature and aggravation of the case.

Sec. 8. *And be it further enacted*, That the several provisions contained in the first and 5th sections of this act, shall be in force until the end of the next session of Congress, and no longer.

Approved: March 2, 1833.

AN ACT to explain and amend the eighteenth section of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth July, one thousand eight hundred and thirty-two.

Be it enacted, &c. That all articles upon which the duties were reduced by "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth July, one thousand eight hundred and thirty-two, and which may not have been deposited under the provisions of the eighteen h section of the act aforesaid, whether the said articles were imported, or the duties thereon were secured or paid, before or after the passage of said act, may, to obtain the benefit of said act and this amendment thereto, be deposited, at any time before the first of April next, in the custom house stores, or in the manner prescribed in the following section, by the importer, consignee, or any subsequent purchaser or owner; and all wines now in bond, or which may be imported at any time previous to he fourth day of March, one thousand eight hundred and thirty-four, and which may remain in the custody of the customs on that day, shall be entitled to the benefit of this act, and of that to which it is an amendment: *Provided*, That no merchandise imported in packages, bales, or casks, shall be entitled to the benefit of this act, or of that to which it is an amendment, unless they are as originally imported; and that all articles placed in the custody of the customs under this act shall so remain, for inspection and examination, till the fourth day of March next: *Provided, also*, That nothing contained in this act shall be so construed as to extend the provisions thereof to any merchandise which, under the existing laws, would not be entitled to the benefits of drawback.

Sec. 2. *And be it further enacted*, That, in all cases where the quantity of merchandise entitled to the benefits of the acts aforesaid shall exceed ten packages, bales, or casks, or where the article may be in bulk, or otherwise than in packages, bales, or casks, the collector of the district where the same may be is hereby authorized to direct that the said merchandise shall not be removed from the warehouse of the owner, but that the same shall be there placed in the custody of a proper officer of the customs, who shall examine the same, and keep them under the keys of the custom house till the first of April, as aforesaid: *Provided*, The collector shall consider the same a safe place of deposite, and that application be made to him for that purpose on or before the twenty-fifth March next.

Sec. 3. *And be it further enacted*, That all articles remaining under the control of the proper officer of the customs, according to the provisions of this act, on the first April next, and all wines which shall remain in the same manner after the fourth day of March, one thousand eight hundred and thirty-four, shall be subject to no higher duty than would be levied under the act aforementioned, approved the four eenth of July last: and if any higher duty shall have been paid, such excess shall be refunded, out of any money in the Treasury not otherwise appropriated, to the person placing the same in the custody of the customs; and any outstanding bond or bonds which may have been given for duties on the same shall be cancelled: and if a sum equal to the amount of duties levied by the said act of the fourteenth July, shall not have been collected, and the bond or bonds given shall amount to more than the duties imposed by said act, the Secretary of the Treasury shall direct that a debenture certificate or certificates, the form of which shall

be prescribed by him for such excess of duty, shall be issued to the persons placing the same in the custody of the customs, payable out of the bond or bonds given for duties on the same, the collectors to give the debtors credit on their bonds for the difference between the high and low duties, and to cancel the bonds on payment of the balance.

Sec. 4. *And be it further enacted*; That the Secretary of the Treasury shall cause the amount of excess of duties, as aforesaid, to be ascertained and paid, or the credit given as the case may be, as soon as practicable, after the first of April next; and that he shall be authorized to cause all articles under the control of the proper officers of the customs to be examined; and where the merchandise may have passed out of the possession of the importer or consignee, to require satisfactory evidence of the transfer or transfers to identify the same; and to make all other rules and regulations which may be necessary and proper to carry this act into effect.

Sec. 5. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized and directed to extend relief to all persons whose cases are provided for in this act, who may have been deprived of the benefit thereof in consequence of the collector's not having received his instructions in pursuance of it, from the Secretary of the Treasury.

Sec. 6. *And be it further enacted*, That the seventeenth section of the aforesaid act of the fourteenth day of July, one thousand eight hundred and thirty-two, as far as the same relates to the duty on pulverized or crushed sugar, shall take effect on the fourth day of March, of the present year.

Approved: March 2, 1833.

AN ACT making appropriations to carry into effect certain Indian treaties, and for other purposes, for the year one thousand eight hundred and thirty-three.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the objects hereinafter mentioned, that is to say: To carry into effect the stipulations of the treaty with the Winnebagoes, of the fifteenth of September, one thousand eight hundred and thirty-two, to wit:

For payment of the annuity provided for by the third article, ten thousand dollars.

For the purposes of education provided for by the fourth article, three thousand dollars

For support of agriculturists, for oxen, and ploughs, and other agricultural implements, per fifth article, two thousand five hundred dollars.

For expense of removing blacksmith's shop, per sixth article, two hundred and fifty dollars.

For expense of rations, per seventh article, six thousand dollars.

For payment of claims to certain individuals, per eighth article, one thousand and eighty-two dollars and fifty cents.

For the purchase of tobacco, and for services of two physicians, per fifth article, five hundred and fifty dollars.

To carry into effect the stipulations of the treaty with the Sacs and Foxes, of the twenty-first September, one thousand eight hundred and thirty-two, to wit: For payment of the limited annuity, provided for by the third article, twenty thousand dollars.

For fulfilling the stipulations for a blacksmith and gunsmith, establishing a shop, and for purchase of tobacco and salt, per fourth article, one thousand seven hundred and fifty dollars.

For payment of Farnham and Davenport's claim for goods acknowledged to be due, per fifth article, forty thousand dollars.

For fulfilling the stipulations in regard to subsistence, per tenth article, seven thousand seven hundred and twenty-four dollars.

To carry into effect the stipulations of the treaty with the Shawanoes and Delawares, of the sixth October, one thousand eight hundred and thirty-two.

For the purchase of cattle, hogs, and other stock for the Delawares, and for assistance in agriculture, per second article, three thousand dollars.

For expense of a person to attend their mill, and for repairs, per same article, five hundred dollars.

For the support of a school, per same article, five hundred dollars.

For fulfilling the stipulations for payment of certain debts, and for merchandise and cash, per third article, eighteen thousand dollars.

For fulfilling the stipulations to the Shawanoes for cash, clothing, and horses, and towards their expenses after removal, per fifth article, one thousand seven hundred dollars.

For cost of provisions for one year after removal, per same article, the sum of eighteen thousand two hundred and fifty dollars.

For annuities to Patterson, Tawhee-lalen, and Natcoming, during their natural lives, the sum of one hundred dollars each, three hundred dollars.

To carry into effect the stipulations of the treaty with the Kaskaskias and Peorias, of seventh October, one thousand eight hundred and thirty-two.

For payment of the limited annuity per fifth article, three thousand dollars.

For fulfilling the stipulations in the sixth article of said treaty, to wit: For payment to the Peorias in common with the Kaskaskias, sixteen hundred dollars.

To the Kaskaskias, for lost horses and salt annuities, three hundred and fifty dollars.

To the Peorias, for improvements on their lands, two hundred and fifty dollars.

For the purchase of stock for Peorias and Kaskaskias, four hundred dollars.

For carts, oxen, and ploughs, for same, three hundred and fifty dollars

For building four log houses, five hundred and thirty dollars.

For assistance in agriculture, three hundred dollars.

For agricultural implements, and for iron and steel, fifty dollars.

For the payment for goods delivered at treaty, eight hundred dollars.

For assistance to Kaskaskias in removing, and for one year's provisions, one thousand dollars.

To carry into effect the stipulations of the treaty with the Appalachicola tribe, of eleventh October, one thousand eight hundred and thirty two.

For payment to the Appalachicola tribe of Indians, to be in full compensation for all expenses of emigration and subsistence, per second article of the treaty, thirteen thousand dollars.

To carry into effect the stipulations of the treaty with the Pottawattamies of the Prairie, of twentieth October, one thousand eight hundred and thirty two, ratified twenty-first January, one thousand eight hundred and thirty-three.

For payment of the limited annuity, per third article, fifteen thousand dollars.

For the payment of the annuities stipulated for in the same article, to wit: To Billy Caldwell, six hundred dollars. To Alexander Robinson, two hundred dollars. To Pierre Leclere, two hundred dollars.

For payment of claims, per schedule annexed to the treaty, per fourth article, the sum of thirty thousand seven hundred and forty six dollars.

For payment for goods and horses purchased and de-

livered, per same article, the sum of forty-five thousand dollars.

For the purchase of goods to be delivered, thirty thousand dollars.

For payment to certain named Indians, for lost horses, same article, fourteen hundred dollars

To carry into effect the stipulations of the treaty with the Kickapoos, of twenty-fourth October, and supplement of twenty sixth November, one thousand eight hundred and thirty-two.

For payment of the annuity for one year, per third article, eighteen thousand dollars.

For erecting a mill and church, per sixth article, three thousand seven hundred dollars.

For support of a blacksmi h and assistant, and for iron, steel and tools, per fifth article, one thousand dollars.

For the support of a school, and purchase of books, per seventh article, five hundred dollars.

For the purchase of farming utensils, per eighth article, three thousand dollars.

For expense of agricultural labor and improvements, per ninth article, four thousand dollars.

For payment in merchandise and cash, per eleventh article, six thousand dollars.

For expense of transportation and subsistence, and one year's supply of provisions, per eleventh article, twenty-seven thousand nine hundred dollars.

For expense of running and marking boundaries, per twelfth article, eight hundred dollars.

For the expenses of a deputation to view the lands ceded, per fourteenth article, five hundred dollars.

For furnishing cattle, hogs, and other stock, per tenth article, four thousand dollars.

To carry into effect the stipulations of the treaty with the Pota attamies of the Wabash, of twenty-sixth October, one thousand eight hundred and thirty-two.

For payment of the limited annuity, per third article, twenty thousand dollars.

For the payment of goods and horses purchased and delivered, per same article, the sum of one hundred thousand dollars.

For the purchase of goods to be delivered, per same article, thirty thousand dollars.

For the payment of claims, per schedule attach d to the treaty, per fourth article, the sum of sixty-two thousand three hundred and eighty-two dollars.

For fulfilling the stipulations in the fifth article, to wit: For rifles and ammunition, two thousand three hundred and thirty-four dollars.

For blankets, two thousand nine hundred and sixteen dollars.

For expenses of transportation and subsistence, thirty-three housand three hundred and twenty dollars.

For one year's supply of provisions, sixty thousand eight hundred and nine dollars.

For expense of erecting a saw mill, per sixth article, two thousand dollars.

To carry into effect the stipulations of the treaty with the Potawattamies of Indiana, of twenty-seventh October, one thousand eight hundred and thirty-two.

For the payment of the limited annui y, per fourth article, fifteen thousand dollars.

For the payment for goods and horses purchased and delivered, per same article, the sum of thirty two thousand dollars.

For the purchase of goods to be delivered, per same article, ten thousand dollars.

For the payment of claims, per schedule attached to the treaty, per same article, the sum of twenty-one thousand seven hundred and twenty-one dollars.

For the purchase of the section of land granted by the treaty of Saint Joseph's to To pe-naw koung, wife of Peter Langlois, per same article, the sum of eight hundred dollars.

For the education of Indian youth of the Potawattamie tribes, during the pleasure of Congress, per same article, two thousand dollars.

To carry into effect the stipulations of the treaty with the Piankashaws and Weas, of twenty-ninth October, one thousand eight hundred and thirty-two.

For the purchase of cattle, hogs, and farming utensils, as an equivalent for salt annuities, and lost horses, for the Piankashaws, per third article, five hundred dollars.

For expense of agricultural assistance and improvements, per same article, the sum of seven hundred and fifty dollars.

For payment in merchandise and cash, per same article, two hundred dollars.

For the purchase of cattle, hogs, and farming utensils, as an equivalent for improvements and lost horses, for the Weas, per fourth article, five hundred dollars.

For payment in merchandise and cash, per same article, two hundred dollars.

For assistance to the Weas of Indiana, to enable them to join the rest of their tribe, and for one year's supply of provisions, per same article, the sum of four thousand six hundred and twelve dollars.

For the support of a blacksmith's shop, for the benefit of the Piankashaws, Weas, Peorias and Kaskaskias, per fifth article, one thousand dollars.

For cost of transporting the annuities, agricultural implements and stock, and for other incidental expenses in fulfilment of the aforesaid treaties, the sum of fifteen thousand dollars.

To enable the President to extinguish Indian title within the States of Indiana and Illinois and territory of Michigan, in addition to the sum appropriated ninth July last, three thousand eight hundred seventy-one dollars.

For expenses incurred in one thousand eight hundred and thirty-two a tending the adjustment of the boundary line and other objects referred to in the first, second, and third articles of the treaty of But e des Morts, ratified twenty-third February, one thousand eight hundred and twenty-nine, in addition to the sum appropriated by he act of twentieth May, one thousand eight hundred and thirty, four hundred dollars.

For expense of removal and subsistence of Creek Indians, as stipulated in the seventh article of the treaty of twenty four h January one thousand eight hundred and twenty-six, in addition to former appropriations, to pay claims allowed, as settled by the Second Audi or, seven thousand two hundred and sixty-one dollars, forty-four cents.

For payment of improvements on ceded lands, as stipulated in the eleventh article of said treaty, as settled by the Second Audi or, in addition to former appropriations, nine thousand three hundred dollars and seventy-five cents.

For payment of expenses incurred for provisions, transportation, compensation to guards, and o her expenses, attending the arrest of Ioway prisoners in one thousand eight hundred and twenty-nine, on the charge of murder commit ed by them, and not before provided for, the sum of one thousand and twenty-three dollars and thirty-eigh cents.

For expense of loca ing, surveying and bounding reservations for the Choctaws. under the nineteenth article of the treaty of fifteenth September, one thousand eight hundred and thir y, no otherwise provided for, fifteen hundred dollars.

For expense of the Chickasaw Agent, with a deputation of Indians, to the seat of Gove rnment, on business relating to the treaty negotiated with them, one thousand six hundred and fifty dollars.

For the expense of a delegation from the New York Indians to visit Green Bay during the summer of one thousand eight hundred and thirty-three, for the purpose

of surveying and dividing their lands with a view to future emigration, the sum of one thousand eight hundred and ninety dollars.

For the expense of removing the remaining Shawanoes, being eighty-two in number, from Ohio, to their lands west, one thousand six hundred and forty dollars.

For the expenses of twelve prisoners of war of the Sac and Fox tribes, now in confinement, and to be held as hostages, under the seventh article of the treaty with the Sacs and Foxes, of twenty-first September, one thousand eight hundred and thirty-two, embracing the cost of provisions and clothing, compensation to an interpreter, and cost of removing them to a place where they may be kept in safety, without being closely confined, the sum of two thousand five hundred dollars.

For the expense of appraising the improvements abandoned by the Chippewas, under the sixth article of the treaty of Saginaw, of twenty-fourth September, one thousand eight hundred and nineteen, the sum of six hundred dollars.

For payment for two negroes, the property of George Fields, illegally taken from the Broom, a Cherokee Chief, in the fall of the year one thousand eight hundred and thirteen, by a white citizen, seven hundred dollars.

For expenses of removing and subsisting Choctaws, Creeks, Cherokees, and Ohio Indians, as estimated for by the Commissary General of Subsistence, four hundred and seventy-four thousand and thirteen dollars.—And the sum of ten thousand dollars for holding a treaty with the Potawattamies, for the extinguishment of their title to the remainder of their lands in Illinois.

For carrying into effect the stipulations of the treaty with the Menominees of the eighth February, one thousand eight hundred and thirty-one, fifty-eight thousand six hundred dollars.

For carrying into effect the stipulations of the treaty with the Chickasaws of twenty-eighth October, one thousand eight hundred and thirty-two, to be refunded out of the sales of their lands as provided for by said treaty, one hundred thousand dollars.

For carrying into effect the stipulations of the treaty with the Senecas West, of twenty-ninth December one thousand eight hundred and thirty-two, to be refunded out of the sales of their lands as provided for by said treaty, four thousand dollars.

For payment to the Senecas for lost horses and other property as stipulated for by fourth article of same treaty, one thousand dollars.

For carrying into effect the stipulations of the treaty with the Ottawas of eighteenth February, one thousand eight hundred and thirty-three, forty-seven thousand four hundred and forty dollars.

Sec. 2. *And be it further enacted*, That the Secretary of War shall cause a valuation to be made of the buildings, improvements and other property, belonging to the American Board of Commissioners for Foreign Missions, lying within the limits of the purchase made of the Choctaw tribe of Indians at the treaty of the Dancing Rabbit Creek, and after deducting from the estimated value the amount heretofore advanced by the United States towards the aforesaid buildings and improvements shall cause the residue to be paid to the trustees of the said Board, out of any money in the Treasury not otherwise appropriated.

Sec. 3. *And be it further enacted*, That the sum of one hundred thousand dollars, shall be, and the same is hereby appropriated, should the same be found necessary to defray the expenses of repressing the hostilities of the Indians on the western frontier of the United States, out of any money in the Treasury not otherwise appropriated.

Approved: March 2, 1833.

AN ACT making appropriations for the Engineer and Ordnance Departments.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, namely:

For collecting the materials, and making the preliminary arrangements, for the construction of a fort on George's Island, Boston harbor, Massachusetts, twenty-five thousand dollars.

For the erection of a building for military and other exercises, at the United States Military Academy, West Point, six thousand dollars.

For the erection of a chapel at the United States Military Academy, West Point, ten thousand dollars.

For the erection of two new dwelling houses at the National Armory at Springfield, Massachusetts, for the use of the Master Armorer and Paymaster, seven thousand dollars.

For building a pay office and store at the same Armory, for the preservation of models and patterns, two thousand dollars.

For building a workshop for grinding and polishing, at the same Armory, six thousand dollars.

For enlarging and repairing the shop, for welding and boring musket barrels, at the same Armory, fifteen hundred dollars.

For additional machinery at the same Armory, three thousand five hundred dollars.

For one steam engine of fifteen horse power, at the same Armory, fifteen hundred dollars.

For thirty-six double racks for placing arms in the new arsenal, at the same Armory, five thousand one hundred dollars.

For the erection of twelve additional dwelling houses for the workmen, at the National Armory at Harpers' Ferry, Virginia, eight thousand six hundred dollars.

For the repair and extension of the public dam, on the Potomac river, from which the supply of water is obtained for the works of said Armory, five thousand dollars.

For the enlargement of the canal, supplying the water power of the public works of the said Armory, from the Potomac dam, thirteen thousand four hundred and ninety-five dollars.

For repairing the walls of four workshops at the same Armory, fifteen hundred dollars.

For constructing three new water wheels, and the machinery in the boring, turning, and stocking shops, and sinking flumes, at the said Armory, eight thousand four hundred dollars.

For completing the forging-shop tilt-hammer, and new workshop, at the same Armory, thirteen thousand three hundred dollars.

For the purchase of one square acre of land, with the improvements, adjoining the Arsenal near Pittsburg, Pennsylvania, three thousand five hundred dollars.

For the purchase of forty-five acres of land adjoining the Watervliet Arsenal, New York, nine thousand dollars.

For the purchase of the right to the water power on the Shenandoah river, for the use of the United States Rifle Factory which is established on that river, four thousand six hundred dollars.

For the repairs of the Spanish Fort Marion, at St. Augustine, and for re-constructing the sea-wall, to prevent the encroachments of the sea, at and near the same, twenty-thousand dollars.

For the purchase of a site, and for erecting quarters and barracks for the United States troops at Savannah, Georgia, thirty-five thousand dollars.

Sec. 2 *And be it further enacted*, That the Secretary of War be, and he is hereby authorized to apply to the purchase of the square acre of land abovementioned, a sum not exceeding three thousand five hundred dollars,

out of the proceeds arising from the sale of certain lots of land at Pittsburgh, Pennsylvania, belonging to the United States, which may be disposed of under the provisions of the act of the second of August, one thousand eight hundred and thirteen.

Approved: March 2, 1833.

AN ACT making appropriations for the support of the Army for the year one thousand eight hundred and thirty-three.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year one thousand eight hundred and thirty-three, viz:

For pay of the army and subsistence of officers, one million three hundred and thirty six thousand six hundred and ninety-seven dollars.

For forage of officers, fifty-four thousand three hundred and thirty-one dollars.

For clothing for servants of officers, twenty-four thousand dollars.

For subsistence, exclusive of that of officers, in addition to an unexpended balance of fifteen thousand dollars, three hundred and eighty-seven thousand dollars.

For clothing of the army, camp equipage, cooking utensils, and hospital furniture, in additon to materials and clothing on hand, amounting to twenty thousand dollars, two hundred and fifty-six thousand seven hundred and sixty three dollars.

For medical and hospital department, thirty-one thousand dollars.

For arrearages in the same department during the year one thousand eight hundred and thirty-two three thousand dollars.

For various expenses of the quarter master's department, viz: for fuel, forage, straw, stationary, blanks, repairing officers quarters, barracks, store-houses, and hospitals; for erecting temporary cantonments, and gun-houses; for rent of quarters, store houses, and lands; for postage of letters on public seruice, for expenses of courts martial, including compensation of judge advocates, members and witnesses; for extra pay to soldiers employed on extra labor, under the act of March second, one thousand eight hundred and nineteen; and for expenses of expresses, escorts to paymasters, and other contingencies to quarter-master's department, two hundred and forty thousand dollars.

For transportation of officers' baggage, and allowance for travel in lieu of transportation, and for per diem allowance to officers on topographical duty, fifty three thousand dollars.

For transportation of clothing, subsistence, ordnance, and of lead from the mines, and for transportation of the army, and funds for pay of the army, including the several contingencies and items of expenditure at the several stations and garrisons usually estimated under the head of transportation of the army, one hundred and twelve thousand dollars.

For defraying the expense of the board of visiters at West Point, two thousand dollars.

For fuel, forage, stationery, printing, transportation, and postage, for the military academy, eight thousand five hundred dollars.

For repairs, improvements, and expenses of buildings, grounds, roads, wharf, and boat, at West Point, four thousand dollars.

For pay of adjutant's and quarter-mas er's clerk, nine hundred dollars.

For increase and expenses of the library, fourteen hundred dollars.

For philosophical apparatus, eight hundred and ninety dollars.

For models of department of engineering, six hundred dollars.

For models for the drawing department, repairs of instruments for the mathematical department, apparatus and contingencies for the department of chemistry, nine hundred dollars.

Miscellaneous items and incidental expenses of the academy, one thousand five hundred and seventy-five dollars.

For contingencies of the army, ten thousand dollars.

For the national armories, three hundred and sixty thousand dollars.

For the armament of fortifications, one hundred thousand dollars.

For Arsenals, ninety six thousand five hundred dollars.

For the current expenses of the ordnance service, sixty-nine thousand three hundred dollars.

For the recruiting service, thirty thousand nine hundred and fifty-two dollars, in addition to an unexpended balance of twelve thousand dollars.

For the contingent expenses of the recruiting service, sixteen thousand and forty-four dollars, including an unexpended balance of eight thousand five hundred dollars on hand.

For the purchase of accoutrements and swords, sixteen thousand seven hundred and fifty dollars.

For the purchase of cannon, fourteen thousand seven hundred and fifty dollars.

For payment of arms for mounted rangers, two thousand five hundred and ninety-eight dollars.

For the purchase of arms for South Carolina, six thousand one hundred and thirty-one dollars.

For arrearages prior to the first day of July, one thousand eight hundred and fifteen, payable through the Third Auditor's office, five thousand dollars.

To enable the second Auditor to close the accounts, under the act of third March, one thousand eight hundred and twenty-one, allowing three months gratuitous pay to disbanded officers and soldiers, five hundred dollars.

For arrearages of pay of certain militia of the State of Missouri, called out in one thousand eight hundred and twenty-nine, one thousand two hundred dollars.

For the pay of the militia of Illinois, Indiana, Missouri, and Michigan, ordered into the service of the United States during the last year, six hundred and thirty-two thousand dollars, in addition to the amount heretofore appropriated for the same purpose.

For completing barracks, quarters, and store-houses at Fort Crawford, eight thousand dollars.

For completing barracks, quarters, and store-houses at Fort Howard, ten thousand dollars.

For completing barracks, and erecting a hospital at Baton Rouge, twenty-five thousand dollars.

For making good a deficiency of appropriation for the erection of barracks at Fort Severn, Annapolis, three hundred dollars.

For the construction of a wharf at Fort Preble, Portland, including the purchase of a site, three thousand seven hundred and seventy dollars.

For repairing the wharf at Fort Independence, Boston, one thousand five hundred dollars.

For repairing the wharf at Fort Washington, on the Potomac, one thousand five hundred dollars.

For repairing the wharf at Fort Moultrie, Charleston, one thousand five hundred dollars.

For the purchase of ground adjoining Fort Trumbull, New London, four hundred dollars.

For the erection of a store house and stable on the public lot at Pittsburgh, five thousand dollars.

For the purchase of the ground at Key West, on which the barracks and quarters are erected, three thousand two hundred dollars.

For the purchase of land at Fort Gratiot, one thousand six hundred dollars.

To make good a deficiency of a former appropriation for the building of a wharf at Fort McHenry, ninety dollars and forty cents.

For repairing and extending the levees, securing the works at Fort Jackson, Mississippi, and for improving the storerooms and magazine, four thousand dollars.

Sec. 2. *And be it further enacted*, That the Secretary of War be authorized, at his discretion, out of the moneys appropriated by this, or any former act, for the payment of the militia ordered into the service of the United States, according to law, during the last year, to allow and pay to the district paymasters of the Army of the United States employed in making such payments, a commission on the sums respectively paid by them, not exceeding one per centum upon the amounts.

Approved: March 2, 1833.

AN ACT to explain and amend the act to alter and amend the several acts imposing duties on imports, passed July fourteenth, one thousand eight hundred and thirty-two, so far as relates to hardware, and certain manufactures of copper and brass, and other articles.

Be it enacted, &c. That the provisos of the tenth and twelfth clauses of the second section of the act to alter and amend the several acts imposing duties on imports, passed July fourteenth, eighteen hundred and thirty-two, be, and the same are hereby suspended until the first day of June, eighteen hundred and thirty four.

Sec. 2. *And be it further enacted*, That so much of the act to alter and amend the several acts imposing duties on imports, passed July the fourteenth, eighteen hundred and thirty-two, as repeals the duties heretofore levied on copper bottoms cut round, and copper bottoms raised to the edge, and still bottoms cut round and turned upon the edge, and parts thereof, and on copper plates or sheets, weighing more than thirty-four ounces per square foot, commonly called braziers copper, and on tobacco leaves, or unmanufactured, be, and the same is hereby repealed.

Sec 3. *And be it further enacted*, That nothing contained in the act of the fourteenth of July, eighteen hundred and thirty-two, to alter and amend the several acts imposing duties on imports, shall be so construed as to authorize the exemption from the payment of duty on sheet and rolled brass, but the same shall be charged with the payment of a duty of twenty five per centum ad-valorem.

Approved: March 2, 1833.

AN ACT making appropriations for the erection of certain Fortifications.

Be it enacted, &c. That the following sums be, and the same are hereby appropriated, out of any money in the Treasury not otherwise appropriated, namely:

For a Fort on Throg's Neck, East river, New York, twenty-five thousand dollars.

For rebuilding Fort Delaware, Delaware river, fifty thousand dollars.

For a Fort on Foster's Bank, Pensacola harbor, Florida, twenty-five thousand dollars.

For a Fort on Grande Terre, Barataria, Louisiana, twenty-five thousand dollars.

Approved: March 2, 1833.

AN ACT for improving the navigation of certain rivers in the Territories of Florida and Michigan, and for surveys, and for other purposes.

Be it enacted, &c. That, for the purpose of removing obstructions, and improving the navigation of certain rivers in the Territories of Florida and Michigan, the following sums be, and they are hereby appropriated, to be paid out of any money in the Treasury; to be expended under the direction of the President of the United States.

For removing obstructions in, and improving the navigation of, the Escambia river, five thousand dollars.

For improving the navigation of Ochlochney river, five thousand dollars.

For improving the navigation of the Choctawhachie river, as recommended by the Postmaster General, for the transportation of the mail from Pensacola to Tallahassee, five thousand dollars.

For improving the harbor at Chicago, on lake Michigan, twenty-five thousand dollars.

For a survey of White and Saint Francis rivers, in the Territory of Arkansas, five hundred dollars.

Approved: March 2, 1833.

AN ACT in relation to the Potomac Bridge.

Be it enacted, &c. That so soon as the President of the United States shall decide on a plan for the erection of a bridge over the Potomac river at Washington, on or adjoining the site of the old bridge, the Secretary of the Treasury is hereby required to advertise for contracts after giving at least thirty days notice.

Sec. 2. *And be it further enacted*, That, towards the construction of the said bridge, the sum of two hundred thousand dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, in such sums, and at such times, as may be agreed on by the Secretary of the Treasury, and the contractor or contractors, who shall give to the said Secretary satisfactory security for the faithful performance of the contract.

Approved: March 2, 1833.

AN ACT to improve the navigation of the Potomac river between Georgetown and Alexandria, and for other purposes.

Be it enacted, &c. That in order to aid the citizens of Georgetown in removing the obstruction to their navigation, by causing the cut already made through the bar, below the town, to be enlarged and deepened; and for the further purpose of enabling them to make a free turnpike road to the district line on the Virginia side of the river, and to purchase of the present proprietors, and make forever free, the bridge over the Little Falls of Potomac river, the sum of one hundred and fifty thousand dollars be and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the said sum shall be paid, from time to time, by the Secretary of the Treasury, to the order of the corporation of Georgetown, in such sums as to enable the said corporation to effect the purposes aforesaid.

Sec. 3. *And be it further enacted*, That before the said sum be paid over to the said corporation, it shall pass an ordinance to make said road and bridge free, and to be kept in repair by said corporation forever.

Approved: March 2, 1833.

AN ACT in addition to the Act for the gradual improvement of the Navy of the United States.

Be it enacted, &c. That for the gradual improvement of the Navy of the United States, the sum of five hundred thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby appropriated, annually, for six years, from and after the third day of March, eighteen hundred and thirty-three, when the present appropriation expires.

Sec 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized and

empowered to cause the abovementioned appropriation to be applied, as directed and prescribed by the act of the third of March, eighteen hundred and twenty seven, to which this is in addition, the provisions whereof are hereby continued in force for the term abovementioned, and to be applied also to the purchase of other necessary materials as well as timber suitable for the construction of vessels of war.

Sec. 3. *And be it further enacted,* That, in addition to the provisions now in force on the subject of the live oak growing on the public lands, it shall be the duty of all collectors of the customs within the Territory of Florida, and the States of Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is hereby made the duty of all officers of the customs, and of the land officers within said Territory and States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands.

Approved: March 2, 1833.

AN ACT to improve the condition of the non-commissioned officers and privates of the Army and Marine Corps of the United States, and to prevent desertion.

Be it enacted, &c. That, from and after the passage of this act, all enlistments in the army of the United States, shall be for three years; and that the monthly pay of the non-commissioned officers and soldiers shall be as follows, viz: to each sergeant major, quartermaster sergeant, and chief musician, sixteen dollars; to the first sergeant of a company, fifteen dollars; to all other sergeants, twelve dollars each; to each artificer, ten dollars; to each corporal, eight dollars, and to each musician and private soldier, six dollars; and all enlistments in the Marine Corps shall be for four years; and that the monthly pay of the non commissioned officers and soldiers in said corps shall be as follows, viz: to each sergeant major and quartermaster sergeant, seventeen dollars; to the drum major, fife major, the orderly sergeants of posts, and first sergeants of guards at sea, sixteen dollars each; to all other sergeants, thirteen dollars; to each corporal, nine dollars; to each musician, eight dollars; and to each private, seven dollars.

Sec. 2. *And be it further enacted,* That one dollar of the monthly pay of every musician and private soldier, shall be retained until the expiration of the two first years of their enlistment, when each shall receive the twenty-four dollars retained pay, which shall have so accrued: *Provided,* He shall have served honestly and faithfully that portion of the term of his first enlistment.

Sec. 3. *And be it further enacted,* That every able bodied musician or private soldier, who may re-enlist into his company or regiment, within two months before, or one month after, the expiration of his term of service, shall receive two months' extra pay, besides the pay and other allowances which may be due to him on account of the unexpired period of any enlistment.

Sec. 4. *And be it further enacted,* That every able bodied musician or soldier, who shall re-enlist into his company or regiment, as specified in the third section of this act, shall receive his full pay, at the rate of six dollars per month, without any temporary deduction therefrom.

Sec. 5. *And be it further enacted,* That no premium to officers, for enlisting recruits, nor bounties to recruits for enlisting, shall be allowed after the passage of this act.

Sec. 6. *And be it further enacted,* That no person who has been convicted of any criminal offence, shall be enlisted into the army of the United States.

Sec. 7. *And be it further enacted,* That the seventh section of the act, "entitled 'An act making further provision for the army of the United States," passed on the sixteenth May, one thousand eight hundred and twelve, be, and the same is hereby, repealed, so far as it applies to any enlisted soldier, who shall be convicted by a general court martial of the crime of desertion.

Approved: March 2, 1833.

AN ACT making appropriations for carrying on certain works heretofore commenced for the improvement of harbors and rivers and, also, for continuing and repairing the Cumberland road, and certain Territorial roads.

Be it enacted, &c. That the following sums of money be, and the same are hereby appropriated for carrying on or completing certain works and roads heretofore commenced, to be paid out of any money in the Treasury not otherwise appropriated.

For carrying on the Delaware breakwater, two hundred and seventy thousand dollars.

For removing a sand bar at the mouth of Black River, Ohio, two thousand four hundred dollars.

For a pier head at Cunningham creek, Ohio, five hundred dollars.

For completing the removal of obstructions at the mouth of Ashtabula creek, Ohio, three thousand four hundred dollars.

For completing the improvements of the harbor of Presque Isle, Pennsylvania, six thousand dollars.

For completing the pier at the mouth of Buffalo harbor, New York, thirty-one thousand seven hundred dollars.

For improving the entrance of Gennesee river, New-York, fifteen thousand dollars.

For removing obstructions at the mouth of Big Sodus bay, New York, fifteen thousand dollars.

For completing the pier and mole at Oswego, New York eight thousand four hundred dollars.

For the completion of the breakwater at the mouth of the Merrimack river, four thousand nine hundred dollars.

For repairing Plymouth Beach, six hundred dollars.

For the breakwater at Hyannis, Massachusetts, five thousand dollars.

For improving the harbors of New Castle, Marcus Hook, Chester, and Port Penn, in the Delaware, four thousand dollars.

For carrying on the improvement of Ocracoke inlet North Carolina, sixteen thousand seven hundred dollars.

For improving Cape Fear river, below Wilmington, North Carolina, twenty eight thousand dollars.

For improving the navigation of the Ohio, Missouri and Mississippi rivers, fifty thousand dollars.

For continuing the road from Detroit to Saganaw bay, fifteen thousand dollars.

For completing the improvement of St. Mark's river and harbor in Florida, in addition to the unexpended balance of former appropriations, one thousand five hundred dollars.

For the road from Detroit to Grand river of Lake Michigan, twenty five thousand dollars.

For continuing the road from Detroit towards Chicago, in the Territory of Michigan, eight thousand dollars.

For paying the balance due the commissoners for surveying and marking the road from La Plaisance bay, to intersect the road to Chicago, within the Territory of Michigan, six hundred and eight dollars and seventy-six cents.

For making the said road, fifteen thousand dollars.

For completing the improvement of the Inland channel between St. Mary's and St. John's in Florida, nine thousand dollars.

For the completion of the removal of obstructions in the harbor and river Appalachicola, in Florida, according to the report and estimate of the engineer, Lieutenant Long, eight thousand seven hundred dollars, including the unexpended appropriation of last year.

For repairing the Cumberland road east of the Ohio one hundred and twenty-five thousand dollars.

For continuing the Cumberland road in Ohio, west of Zanesville, one hundred and thirty thousand dollars.

For continuing the Cumberland road in the State of Indiana, one hundred thousand dollars.

For continuing the Cumberland road in Illinois, seventy thousand dollars.

For repairs of the Cumberland road in Virginia, thirty-four thousand four hundred and forty dollars.

For payment of a balance due the commissioners under the act of third of March one thousand eight hundred and twenty-five, for marking out a road to the confines of New Mexico, one thousand five hundred and four dollars and fifty-four cents.

For defraying the expenses incidental to making examinations and surveys under the act of the thirtieth of April, one thousand eight hundred and twenty-four, twenty-five thousand dollars.

For payment of balance due Joseph C. Brown for running the western boundary of the State of Missouri, one hundred and forty-dollars.

Sec. 2. *And be it further enacted*, That the Secretary of War be, and is hereby, authorized, by and with the approbation of the President of the United States to change the location of the route of the Cumberland road, near Cumberland and Wills' mountain, according to the survey and report thereon of Captain Delafield, of the corps of Engineers.

Approved: March 2, 1832.

AN ACT making appropriations for the Public Buildings and for other purposes.

Be it enacted, &c. That, for the purpose of completing the buildings of the Penitentiary, its support, the purchase of raw materials to be manufactured by the convicts, and as a compensation to Thomas Carbery, who is hereby allowed one thousand dollars for his services in planning and superintending the erection of the Penitentiary, the sum of fifteen thousand four hundred and thirty-six dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the following sums be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the following purposes, that is to say:

For dressing and laying the stone procured for paving the terrace of the Capitol, seven thousand dollars.

For enclosing and improving the public ground north of the Capitol, two thousand dollars.

For a pedestal wall, coping, railing, and footway at the north front of the President's House, ten thousand dollars.

For improving the Capitol square, including the gardener's salary, and lighting the lamps, two thousand seven hundred and fifty dollars.

For completing the regulation of the ground and planting, south of the President's House, four thousand six hundred and sixty dollars.

For alterations and repairs in the Capitol, one thousand dollars.

For alterations and repairs in the President's House, five hundred dollars.

For constructing reservoirs and fountains at the public offices and President's House, and enclosing and planting the fountain square, six thousand seven hundred and twenty-three dollars.

For keeping in repair the fire engines belonging to the public buildings, two hundred dollars.

For furnishing the President's House, to be expended under the direction of the President, in addition to the proceeds of such decayed furniture as he may direct to be sold, twenty thousand dollars.

For an additional payment for the Statue of Washington, five thousand dollars.

For alterations in the Representatives Hall, to accomdate the twenty-third Congress, according to a plan recommended by a Select Committee of the House of Representatives, of thirtieth June, eighteen hundred and thirty-two, thirteen thousand dollars.

For completing the public vault, and railing thereon, one thousand six hundred dollars.

Approved: March 2, 1833.

AN ACT for the construction of a road from the Mississippi river to William Strong's, on the St. Francis river, in the Territory of Arkansas.

Be it enacted, &c. That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of enabling the President of the United States to cause to be permanently constructed, a road in the Territory of Arkansas, from a point opposite to Memphis, to the house of William Strong, on the St. Francis river, or towards such other point on the same as the engineer appointed to report thereupon may recommend, for the purpose of establishing a constant communication from the point above named, towards Little Rock, in the said Territory: *Provided*, That the said sum be expended under the direction of such military engineer as the President may appoint: *And provided, also*, That no part of the said sum of money shall be expended until a careful survey and estimate shall have been made of the cost of the road by a competent engineer, and that the said survey and estimate shall have been previously submitted to, and approved by, the Secretary of War and the President of the United States.

Approved: March 2, 1833.

AN ACT prolonging the second session of the Fifth Legislative Council of the Territory of Michigan.

Be it enacted, &c. That the Legislative Council of the Territory of Michigan, now in session, be, and is hereby, authorized to continue its present session thirty days beyond the time now limited by law.

Sec. 2 *And be it further enacted*, That, for the purpose of defraying the incidental expenses, and for paying the members of the said Legislative Council for the additional time employed as aforesaid, the sum of two thousand dollars be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Approved: March 2, 1833.

AN ACT in addition to, and in alteration of, an act entitled "An act vesting in the Corporation of the City of Washington all the rights of the Washington Canal Company," and for other purposes.

Be it enacted, &c. That the Secretary of the Treasury is hereby authorized to pay, out of any money in the Treasury not otherwise appropriated, unto the Mayor, Aldermen, and Common Council, of the City of Washington, the sum of one hundred and fifty thousand dollars, to aid them in fulfilling the objects and requirements of an act entitled "An act vesting in the Corporation of the City of Washington all the rights of the Washington Canal Company, and for other purposes," approved May thirty first, one thousand eight hundred and thirty-two: *Provided*, That the said Mayor, Aldermen, and Common

Council, relinquish all title to the land vested in them by the eighth section of the act above named, and, also, relinquish all rights and privileges granted by the eighth, tenth, eleventh, twelfth, thirteenth, and fourteenth, sections of said act: *And provided, also,* That the sum herein granted shall be applied to pay and extinguish any debt which has been, or may be contracted in the purchase either of the Washington City Canal, or in the completion of the same, and shall not be applicable to any other object or purpose until said debts be extinguished.

Sec. 2. *And be it further enacted,* That the Commissioner of the Public Buildings is hereby authorized to cause all the open grounds belonging to the United States which, in the original plan of the city, were reserved for public walks, lying between the Maryland and Pennsylvania Avenues, to be enclosed with a wooden fence, and to lay down the same according to such plan for the improvement thereof as the President of the United States may approve, in grass, and intersect it by suitable paths and roads for intercourse and recreation: *Provided,* That there shall not be more than three streets or roads across the same to connect the streets on the north and south sides of said public grounds.

Sec. 3. *And be it further enacted,* That there be paid, out of any unappropriated money in the Treasury, for the purposes of the second section of this act, the sum of five thousand dollars.

Approved: March 2, 1833.

AN ACT establishing a port of entry and delivery at the village of Fall River in Massachusetts, and discontinuing the office at Dighton.

Be it enacted, &c. That there shall, from and after the first day of April next, be established in the village of Fall River, near the mouth of Taunton Great River, in Massachusetts, a port of entry and delivery.

Sec. 2. *And be it further enacted,* That the office of the collector of the customs in Dighton, Massachusetts, shall, from and after the first day of April next, be discontinued.

Approved: March 2, 1833.

AN ACT to authorize the President of the United States to exchange certain lands belonging to the Navy Yard at Brooklyn for other lands contiguous thereto.

Be it enacted, &c. That the President of the United States be, and he is hereby, authorized to execute a conveyance to the Corporation of the village of Brooklyn, in the State of New York, of the interest of the United States in certain lands forming a part of the navy yard at said village of Brooklyn, and designated in a petition from said Corporation to Congress, on condition that said Corporation convey a good title to the United States of such other property contiguous to said yard, and obtain releases to the United States of certain parts of said yard now in controversy, so that, in his opinion, the conveyances from said Corporation shall be equally beneficial to the United States as the property granted to said Corporation.

Approved: March 2, 1833.

AN ACT for the more perfect defence of the frontiers.

Be it enacted, &c. That in lieu of the battalion of mounted rangers authorized by the act of the fifteenth of June, one thousand eight hundred and thirty-two, there be established a regiment of dragoons, to be composed and organized as follows, to wit: one colonel, one lieutenant colonel, one major, one quartermaster-sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant major, one chief musician, and ten companies; each company to consist of one captain, one first lieutenant, and one second lieutenant, exclusive of the lieutenant who is to be the adjutant of the regiment; four sergeants, one of whom shall act as quartermaster-sergeant to the company, four corporals, two buglers, one farrier and blacksmith, and sixty privates.

Sec. 2. *And be it further enacted,* That the officers, non-commissioned officers, musicians, and privates, when mounted, be entitled to the same pay and emoluments as was allowed to dragoons during the war, and when on foot, the same pay and emoluments as are now allowed to the officers, non commissioned officers, musicians, and privates of a regiment of infantry: and that the farrier and blacksmith be allowed the same pay and allowances, as are allowed to an artificer of artillery.

Sec. 3. *And be it further enacted,* That the said regiment of dragoons shall be liable to serve on horse, or foot, as the President may direct; shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; that the officers, non-commissioned officers, musicians, farriers, and privates, shall be entitled to the same provisions for wounds and disabilities, the same provisions for widows and children, and the same allowances and benefits in every respect, as are allowed the other troops constituting the present military peace establishment.

Sec. 4. *And be it further enacted,* That the President of the United States be authorized to carry into effect this act, as soon as he may deem it expedient, and to discharge the present battalion of mounted rangers, on their being relieved by the said regiment of dragoons.

Sec. 5. *And be it further enacted,* That the sum required to carry into effect the provisions of this act, is hereby appropriated, in addition to the appropriations, for the military establishment for the year one thousand eight hundred and thirty-three.

Approved: March 2, 1833.

An Act to create sundry new land offices, and to alter the boundaries of other land offices of the United States.

Be it enacted, &c. That so much of the lands ceded to the United States by the treaties made and concluded with the Choctaw tribe of Indians, near Doak's Stand, on the eighteenth day of October, one thousand eight hundred and twenty, and at Dancing Rabbit creek, on the twenty-seventh day of September, one thousand eight hundred and thirty, as is situated north of the line dividing townships nineteen and twenty, and west of the line dividing range seven and eight, east, be, and the same is hereby, established into a land district, to be designated as the northwestern district.

Sec. 2. *And be it further enacted,* That so much of the land ceded by the Choctaw tribe of Indians to the United States, by said treaty of the twenty-seventh day of September, one thousand eight hundred and thirty, as is situated west of the basis meridian, and south of the dividing line between townships nineteen and twenty, north, be and the same is attached to the Choctaw district, established by an act of the seventh day of May, eighteen hundred and twenty-two.

Sec. 3. *And be it further enacted,* That so much of the lands ceded to the United States by said treaty of the twenty-seventh of September, eighteen hundred and thirty, as is situated north of the dividing line between townships seven and eight, east of the basis meridian, and south of the northwestern district, and the Southern boundary of the lands of the Chickasaw tribe of Indians, shall constitute a land district to be designated as the northeastern district; and the lands of the United States in the counties of Monroe and Lowndes, now subject to sale in the Choctaw district, shall, from and after the first day of May next, be subject to sale at the land office in the said northeastern district; and it shall be the duty of the Register at Mount Salus, under instructions from the

Commissioner of the General Land Office, to transfer all such books, maps, records, field notes, and plats, or transcripts thereof, relating to the surveys of the public lands in Monroe and Lowndes counties, to the Register of the northeastern district, as may be necessary to enable him to comply with the provisions of this act.

Sec. 4. *And be it further enacted,* That so much of the land ceded to the United States by the said treaty of the twenty-seventh of September, one thousand eight hundred and thirty, as is situated South of the dividing line between townships seven and eight, be attached to, and constitute a part of, the Augusta land district.

Sec. 5. *And be it further enacted,* That, for the disposal of the public lands in the northeastern and northwestern districts, a land office shall be established in each, at such convenient place as the President of the United States may designate; and, for each of said offices, a Register and Receiver shall be appointed by the President, by and with the advice and consent of the Senate, who shall severally give bond and security, according to law, before entering on the duties of their respective offices. They shall receive the same compensation, fees, and emoluments, and shall perform similar duties, and possess the same powers, with all other Registers and Receivers of public monies of the United States, and shall, in all respects, be governed by the laws of the United States providing for the sale of public lands.

Sec. 6. *And be it further enacted,* That so much of the Edwardsville land district as lies north and northwest of the Illinois river, between said river and the Mississippi, be, and the same is hereby, attached to the Quincy land district, in he State of Illinois; and that ranges one and two west of the third principal meridian embracing all townships from the base line to the southern boundary of the Sangamon land district, be, and the same is hereby attached to the Vandalia land district in said State. The said transfer to be effected under the direction of the Secretary of the Treasury.

Sec. 7. *And be it further enacted,* That all the lands situated South of the district line, and South of the dividing line between townships twenty and twenty-one, and North of the line dividing townships eleven and twelve, and west of the line dividing ranges nine and ten west, to the west boundary line of the State of Alabama, shall constitute a land district, to be known and called the Demopolis district.

Sec. 8. *And be it further enacted,* That the lands of the United States, in the counties of Green and Marengo, now subject to sale in the Tuscaloosa, Cahawba, and St. Stephen's land districts, as comprehended in the above described district: *Provided,* That the land district hereinafter created by the tenth section of this act, shall be bounded on the South by the line dividing townships twenty-six and twenty seven, and on the east by the line dividing ranges six and seven, and the lands in said district now in market shall be subject to entry at the land offices at Crawfordsville and Fort Wayne as heretofore, until the first day of July next, and no longer; shall, from and after the first day of June next, be subject to sale at the land office in the said Demopolis land district; and it shall be the duty of the Registers at Tuscaloosa, Cahawba, and Saint Stephens, under instructions from the commissioner of the General Land Office, to transfer all such books, maps, records, field notes, and plats, or transcripts thereof, relating to the surveys of the public lands hereby added to the said Demopolis land district, to the Register of the Demopolis land district.

Sec. 9. *And be it further enacted,* That there shall be a Register and Receiver appointed for the said land district, with the same compensation, fees, and emoluments, and who shall perform all the duties usually performed by Registers and Receivers appointed to superintend the sale of the public lands of the United States.

Sec. 10. *And be it further enacted,* That all that District of country, in the State of Indiana, lying west of the line dividing ranges seven and eight east of the second principal meridian, and north of the line dividing townships twenty-four and twenty-five, shall form a separate land district; and the land office for the sale and disposal of all the public lands in said district, shall be, and hereby is, established at Laporte; and for said land office, a Register and Receiver shall be appointed in like manner, and be subject to like rules and regulations, and receive the same salary, fees, and compensation for their services, as is designated and provided for in other cases by the fifth section of this act; and it shall be the duty of the Secretary of the Treasury, as soon as it can be done, to cause the necessary tract books, plats, maps, and surveys of the public lands in said district, to be filed in said office: *Provided,* That the President may, whenever in his judgment, the public interest and the convenience of the People require it, remove said office to a more central and suitable place in said district.

Approved: March 2, 1833.

AN ACT making provision for the publication of the Documentary History of the American Revolution.

Be it enacted, &c That the Secretary of State be, and he hereby is authorized to contract with Matthew St. Clair Clarke and Peter Force, for the publication of a work entitled "The Documentary History of the American Revolution," to be printed in octavo or folio, as may be agreed upon: *Provided,* That the rate of expense shall not exceed the actual cost per volume of the Diplomatic Correspondence now printing, or heretofore printed, under direction of the Secretary of State; the same to be distributed and disposed of in the manner provided by the joint resolution of the tenth July, one thousand eight hundred and thirty-two, for the distribution and disposal of Gales & Seaton's collection of American State Papers.

Approved: March 2, 1833.

AN ACT declaring the assent of Congress to an act of the General Assembly of the State of Virginia, hereafter recited.

Be it enacted, &c. That the assent of the United States be, and the same is hereby, given to an act of the General Assembly of Virginia, entitled "An act concerning the Cumberland Road," passed February the seventh, one thousand eight hundred and thirty-two; such assent to remain in force during the pleasure of Congress: *Provided,* That this act shall not be construed as preventing the United States from resuming whatever jurisdiction it may now have over the said road, whenever, in its discretion, it shall deem it proper so to do; which act of the said General Assembly is in the words and figures following, to wit:

Be it enacted by the General Assembly, That whenever the Government of the United States shall have surrendered so much of the Road, commonly called the Cumberland Road as lies within the limits of this State, the President and Directors of the Board of Public Works shall be, and they are hereby authorized, to take the same under their care in behalf of this State; and to cause a gate or gates, and a toll-house or houses, to be erected on said road: *Provided,* the same shall not exceed two in number.

Be it further enacted, That a superintendent shall be appointed by the President and Directors of the Board of Public Works, removable at pleasure, whose duty it shall be to erect said gate or gates, and toll-house or toll-houses, and to exercise all reasonable vigilance and diligence in care of said road commited to his charge; to contract for, and direct the application of, the labor, materials and other things necessary for the repair, improve-

ment, and preservation of said road; and he shall pay for the same out of the fund arising from the tolls; he shall have power to appoint and remove at pleasure, the collectors of tolls, and to take from such collector or collectors, bond with good security, conditioned for his, her, or their faithfully discharging his, her, or their duty, and accounting for and paying over to such superintendent, or his successors in office, all monies or tolls by him, her, or them collected or received; and it shall be the duty of the superintendent every six months, before the county or superior court for Ohio county, or before some one by either of said courts appointed for that purpose, to render, under oath, an account of all moneys by him received or expended, particularly setting forth, in such account, the time when, and from whom, he shall have received such money, and the time when, and to whom, and on what account, the same shall have been disbursed or expended. He shall, before he shall have entered on the duties of said office, take, before the county court of Ohio county, or some justice of the peace for said county, an oath, that he will faithfully, justly, and impartially discharge the duties of his said office; and he shall, also, before said court, enter into bond, with two good securities, at least, in the penalty of ten thousand dollars, conditioned for his faithfully performing, in all things, the duties of his office of superintendent, to account, as is before provided for, and also to pay over to his successor or successors in office, or to such persons as the county court of Ohio county may, for this purpose, name and appoint, all tolls by him received, and not expended, by virtue of the provisions of this act. He shall, immediately on the receipt thereof, deposite in the Northwestern Bank of Virginia, all monies by him received for tolls or otherwise, and the same, as superintendent, check for, as he may want the same in repairing, improving, or preserving said road. And in case of death, resignation, or removal from office, or from the State, any and all monies standing to his credit in bank, as superintendent, shall be passed to the credit of his successor in office. If the superintendent shall fail or omit, for two calendar months, to render his accounts as is before required, he shall, for every such failure, forfeit and pay, for the benefit of said road fund, five hundred dollars, to be recovered as is after provided for; or, if he shall fail or omit to pay over all monies in his hands as is before required, it shall be lawful, in the name of the President and Directors of the Board of public works, to obtain judgment against him, his security or securities, his or their heirs, executors or administrators, upon motion in the county or superior courts of Ohio county, upon giving ten days notice to such superintendent, his security or securities, his or their heirs, executors or administrators. In all motions, actions, or bills in chancery, against such superintendent, his security or securities, his or their heirs, executors or administrators, whenever judgment or decree shall be pronounced against the defendant or defendants, for any money by such superintendents wrongfully detained, such judgment shall be for the principal sum due, with interest thereon from the time at which the principal sum shall have been due, together with fifteen per centum damages thereon, to be made and levied in manner provided for by law.

The said collectors shall, monthly, or oftener, if required by the superintendent, under oath, account for, and pay to the superintendent then in office, all moneys or tolls collected by him or them, and which shall remain, after deducting his or their compensation; and if such collector or collectors shall fail herein, it shall be lawful for the superintendent, in the name of the President and Directors of the Board of Public Works, to obtain judgment against such collector or collectors, his, her, or their security or securities, his or their heirs, executors, or administrators, by motion in the county or superior court for Ohio county, for the sum he, she, or they may be in arrear, with interest and damages as is above provided for in the case of defaulting superintendents: *Provided*, That such collector or collectors, his, her, or their security or securities, his or their heirs, executors, or administrators, shall [have] had ten days' previous notice of such motion. When the said collector shall have paid over to the superintendent, the superintendent shall give him duplicate receipts therefor, one of which he, the said collector, upon pain of forfeiting fifty dollars for every failure, shall file with the clerk of the county court of Ohio county. The bonds hereby required of superintendents or collectors shall be made payable to the President and Directors of the Board of Public Works, and be deposited, for safe keeping, with the Clerk of the county court of Ohio county. But all moneys, and all fines and forfeitures recovered of them, or either of them, shall be collected and received by the superintendent, in office, or by such person as the county court of Ohio county may appoint to receive the same. The said superintendent, and the said collector or collectors, shall be allowed by the county court of Ohio a reasonable compensation for their services; to be by them respectively retained out of said tolls, or the proceeds thereof: *Provided however*, That the compensation to the superintendent shall not exceed three hundred and thirty-three and one third dollars per annum. And for the better order and management of the said fund, and the preservation of said road, the said superintendent and collector or collectors, shall observe and conform to such instructions as the President and Directors of the Board of Public Works may, from time to time, prescribe.

That, as soon as the said gates and toll-houses shall be erected, it shall be the duty of the said toll collector or collectors, and they are hereby required to demand and receive, for passing the said gates, the tolls and rates hereafter mentioned: and they may stop any person riding, leading, or driving, any horses, cattle, sulky, chair, phaeton, cart, chaise, wagon, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gate or gates, until they shall have respectively paid for passing the same; that is to say: if there be but one gate, for every score of sheep or hogs, six and a quarter cents; for every score of cattle, twelve and a half cents; for every led or drove horse, three cents; for every mule or ass, led or driven, three cents; for every horse and rider, six and a quarter cents; for every sled or sleigh, drawn by one horse, or ox, six and a quarter cents; for every horse or ox in addition, three cents; for for every dearborne, sulky, chair, or chaise, with one horse, six and a quarter cents; for every horse in addition, six and a quarter cents; for every chariot, coach, coachee, stage, or phaeton with two horses, twelve and a half cents; for every horse in addition, six and a quarter cents; for every other carriage of pleasure, by whatever name it may be called, the like sum, according to the number of wheels and horses drawing the same; for every cart, or wagon, whose wheels do not exceed two and a half inches in breadth, twelve and a half cents; for each horse or ox drawing the same, four cents; for every cart or wagon whose wheels shall exceed two and a half inches in breadth, and not exceeding four inches, six and a quarter cents; for every horse or ox drawing the same, three cents; and for every other cart or wagon whose wheels shall exceed four inches, and not exceeding five in breadth, four cents; for every horse or ox drawing the same, two cents; and all other wagons or carts, whose wheels shall exceed six inches in breadth, shall pass said gates free and clear of all tolls: *Provided, however*, That nothing in this act shall be so construed as to authorize any tolls to be received or collected from any person passing to or from public worship, or to or from a visit to a friend, or other place within the county in which he resides, or to

or from any musters, elections, or courts, or to or from his common business on his farm or woodland, or to or from a funeral, or to or from a mill or school, or to or from his common place of trading or marketing within the county in which he resides, including the wagons, carriages, and horses or oxen drawing the same: *Provided, also,* That no toll shall be received or collected for the passage of any stage or coach conveying the United States mail, or horses bearing the same, or any wagon or carriage laden with property of the United States, or any cavalry or other troops, army, or military stores belonging to the same, or to any of the States comprising the Union, or any person or persons on duty in military service of the United States, or of the militia of the States: *And provided, further,* That the superintendent may commute the rates of tolls with any person or persons by taking of him or them a certain sum annually, in lieu of the tolls aforesaid: *And provided, further,* If two gates shall be erected on said road, then only one half of the said rates or tolls shall be received or collected at each gate; and that the superintendent and three discreet free holders of Ohio county, to be appointed for this purpose by the county court of Ohio county, shall determine the number of gates (not exceeding two as aforesaid) and the site or location of such gate or gates: and said superintendent and persons to be appointed by the county court as aforesaid, are duly authorized to purchase, for the purpose of erecting a toll house or toll-houses on said road, as much ground as they shall deem necessary and advantageous to said road fund; to be paid for out of the tolls aforesaid.

Be it further enacted, That the moneys so collected, and all fines, penalties, and forfeitures, accruing under this act, shall constitute a fund, to be denominated the Cumberland road fund, and shall be applied by the superintendent to be appointed as aforesaid, solely and exclusively to the preservation, repair, and improvement of said road, and the expenses incident thereto, and to no other purpose whatever.

Be it further enacted, That the General Assembly reserves to itself at any future session thereof, without the consent of Congress, to change, alter, or amend this act: *Provided,* That the same shall not be so changed, altered, or amended, as to reduce or increase the rates of toll hereby established, below or above a sum necessary to defray the expenses incident to the repair and preservation of said road, to the erection of gates and toll houses thereon, and for the payment of the fees or salaries of the superintendent, the collector of tolls, and of such other agents as may be necessarily employed in the preservation and repair of the said road, according to the true intent and meaning of this act.

Be it further enacted, That directors shall be set up at proper and convenient situation, to caution all conductors and drivers of carriages or wagons on the road, as aforesaid, that they shall always pass on the left of each other, under the penalty of five dollars for every offence; and there shall also be set up, at some conspicuous place at each gate, a board, on which shall be legibly printed the rates of toll as is provided for in this act; and if any toll collector shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or receive more toll than is by this act established, he shall, for each any every such offence, forfeit and pay to the party aggrieved, the sum of ten dollars.

Be it further enacted, That if any person shall purposely and maliciously deface, or otherwise injure any of the milestones, parapet walls, culverts, or bridges, or any masonry whatsoever, or any of the gates or toll-houses of, or belonging to the said Cumberland road, in this State, as the same is now constructed, or may hereafter be constructed, every person so offending, upon conviction thereof, or judgment, information, or presentment, in the county or superior court of Ohio county, be fined in a sum not exceeding five hundred dollars, or imprisonment in the jail of the county not exceeding six months, or both, at the discretion of the court; and if any person shall purposely fill, choke, or otherwise obstruct any of the side drains, valleys, gutters, or culverts of said road now made, or hereafter to be made, or shall connect any private road or cartway with said Cumberland road, or if any surveyor of a county road shall connect the same with the said Cumberland road, without making at the point of connection, a stone culvert or paved valley, or other good and sufficient fixture so as to secure a free passage for the water along such side drain where such private or county road or cartway connects with said Cumberland road, and so as to secure such Cumberland road from injury by reason of such county or private road, or way, being connected with said Cumberland road, every person so offending shall, upon conviction thereof, be, for every such offence, fined in a sum not less than five dollars, nor more than twenty dollars; and if any person shall stand his wagon and team, or either of them, over night upon the pavement of said road now made, or which may hereafter be made, or shall at any other time stand a wagon and team, or either of them, upon the said pavement for the purpose of feeding, or if he shall, in any other manner, purposely and wilfully obstruct the travel upon said road, or if he shall fast-lock or rough lock either of the wheels of any wagon, coach, chaise, gig, sulky, carriage, or other two or four-wheeled vehicle while travelling upon said road as now made, or as it may hereafter be made, (excepting, however, such parts of said road as may be, at the time of said locking, covered with ice,) every person so offending shall, upon conviction thereof, be fined in a sum not less than two, nor more than twenty dollars.

Be it further enacted, That all fines, penalties, and forfeitures, incurred under the provisions of this act, may be recovered by presentment or indictment in the county or superior courts of Ohio county, or by information or action of debt in the name of the Governor, for the use of said road fund, in the same courts; or, the said fines, penalties, and forfeitures, where the same shall be less than twenty dollars, may be recovered by action of debt in the name and for the use aforesaid, before any justice of the peace for Ohio county; but an appeal may be had, as in other cases, to the next monthly court of Ohio county, from the judgment of any justice of the peace, when the same shall be a greater sum than five dollars, exclusive of costs, and it shall be the duty of the superintendent and collectors of tolls to prosecute all offences against the provisions of this act, and he or they shall not be liable for costs where the person or persons prosecuted shall be acquitted, unless the court or justice will certify that the prosecution is groundless and without good cause.

Be it further enacted, That if more than one gate be erected upon said road, it shall be lawful for any person, desirous to do so, to pay the whole toll at any one gate, and, thereupon, the collector shall grant him a proper certificate thereof, which certificate shall be a sufficient warrant to procure his passage through the other gate.

Be it further enacted, That this act shall not have any force or effect till the Government of the United States shall assent to the same.

VIRGINIA, *Richmond city to wit:*

I, George W. Mumford, Clerk of the House of Delegates, and Keeper of the Rolls of Virginia, do certify that the foregoing is a true copy of an act concerning the Cumberland Road, passed February the seventh, eighteen hundred and thirty two.

Given under my hand this thirteenth day of February, eighteen hundred and thirty-two.

Approved: March 2, 1832.

AN ACT to secure to mechanics and others payment for labor done and materials furnished in the erection of buildings in the District of Columbia.

Be it enacted, &c. That all and every dwelling-house, or other building, hereafter constructed and erected within the City of Washington, in the town of Alexandria, or in Georgetown, in the District of Columbia, shall be subject to the payment of the debts contracted for, or by reason of any work done or materials found and provided by any brickmaker, bricklayer, stonecutter, mason, lime merchant, carpenter, painter and glazier, ironmonger, blacksmith, plasterer, and lumber merchant, or any other person or persons employed in furnishing materials for, or in the erecting and constructing such house or other building, before any other lien which originated subsequent to the commencement of such house or other building. But if such dwelling house, or other building, or any portion thereof, shall have been constructed under contract or contracts entered into by the owner thereof, or his or her agent, with any person or persons, no person who may have done work for such contractor or contractors, or furnished materials to him, or on his order or authority, shall have or possess any lien on said house or other building, for work done or materials so furnished, unless the person or persons employed by such contractor to do work on, or furnish materials for, such building, shall, within thirty days after being so employed, give notice in writing, to the owner or owners of such building, or to his or to their agent, that he or they are so employed to work or to furnish materials, and that they claim the benefit of the lien granted by this act. And if such house or other building should not sell for a sum sufficient to pay all the demands for such work and materials, then, and in such case, the same shall be averaged, and each of the creditors paid a sum proportionate to their several demands: *Provided, always*, That no such debt for work and materials shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof, unless an action for the recovery of the same be instituted, or the claim filed, within three months after performing the work or furnishing the materials, in the office of the clerk of the court for the county in which the building shall be situated: *And provided, also*, That each and every person, having received satisfaction for his or their debt, for which a claim has been or shall be filed, or action brought as aforesaid, shall, at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his or their legal representative, on payment of the costs of the claim or action, and on tender of the costs of office for entering the satisfaction, within six days after such request made, enter satisfaction of the claim in the office where such claim was or shall be filed, or such action brought, which shall forever thereafter discharge, defeat, and release the same; and if such persons, having received such satisfaction as aforesaid, by himself or his attorney, shall not, within six days after request and payment of the costs of the claim or action, and tender as aforesaid, by himself or his attorney, duly authorized, enter satisfaction as aforesaid, he, she, or they, neglecting or refusing so to do, shall forfeit and pay unto the party or parties aggrieved any sum of money, not exceeding one-half of the debt, for which the claim was filed, or action brought as aforesaid, to be sued for and demanded by the person or persons indemnified, in like manner as other debts are now recovered by the existing laws for the recovery of debts.

Sec. 2. *And be it further enacted*, And in all cases of lien created by this act, the person having a claim filed agreeably to its provisions, may, at his election, proceed to recover it by personal action, according to the nature of the demand, against the debtor, his executors, or administrators, or by scire facias against the debtor or owner of the building; and where the proceedings are by scire facias, the writ shall be served in like manner as a summons upon the persons named therein, if to be found within the county, and if not found within the county, then by fixing a copy of the writ upon the door of the building against which the claim is filed; and upon the return of service and failure of the defendants to appear, the court shall render judgment as in the case of a summons; but if they, or either of them, appear, they may plead and make defence, and the like proceedings shall be had as in personal actions for the recovery of debts: *Provided*, That no judgment rendered in such scire facias, shall warrant the issuing an execution, except against the building or buildings upon which the lien existed as aforesaid.

Approved: March 2, 1833.

AN ACT to authorize the County Commissioners for the County of Peoria, in the State of Illinois, to enter a fractional quarter section of land for a seat of justice, and for other purposes.

Be it enacted, &c. That the commissioners for the county of Peoria, in the State of Illinois, be, and they are hereby, authorized to enter with the Register and Receiver of the public lands at Springfield, in said State, (for the use of said county,) the residue of the northeast fractional quarter of section number nine, in township number eight north, in range number eight east: *Provided*, that nothing in this act shall be so construed as to interfere with the claim or claims of any other person or persons, to said fractional quarter section.

Sec. 2. *And be it further enacted*, That the heirs or legal representatives of J. Latham, deceased, be, and they are hereby, authorized to withdraw, and re-locate the claim which was illegally located on said fractional quarter section, upon any other quarter section of public land to which it may, by law, be applicable.

Approved: March 2, 1833.

AN ACT authorizing an alteration in the Election Districts for Members of the Legislative Council of the Territory of Michigan.

Be it enacted, &c. That the Legislative Council of the Territory of Michigan be, and hereby is, authorized to provide for such alterations in the Election Districts of said Territory, as will more effectually secure to the different sections of said Territory a more equal representation in said Legislative Council.

Sec. 2. *And be it further enacted*, That if the said Legislative Council shall have adjourned before the first day of April next, the Governor of said Territory shall, by proclamation, district the said Territory according to the provisions of the foregoing section.

Approved: March 2, 1833.

AN ACT supplementary to an act, entitled "An act concerning a Seminary of Learning in the Territory of Arkansas," approved the seventh of March, one thousand eight hundred and twenty-seven.

Be it enacted, &c. That the Governor of the Territory of Arkansas shall select twenty of the sections of public land reserved by the act, entitled "An act concerning a Seminary of Learning in the Territory of Arkansas," approved the second of March, eighteen hundred and twenty-seven; and, after advertising and proclaiming them for sale in the several newspapers printed in Arkansas, and such other papers as he may deem expedient, he shall proceed to sell the same for cash, at some notorious place in Little Rock, to be designated in said advertisement, to the highest bidder.

Sec. 2. *And be it further enacted*, That the said Governor shall proclaim and sell the same, in quantities not exceeding one half section, nor shall any sale be made

for a price less than one dollar and twenty-five cents per acre. It shall be the duty of the Governor to give to the purchaser a certificate of his purchase; and he shall also make a return to the Register and Receiver of the Land Office at Little Rock, of the quantity sold, the number of the section, range, township, and such other description of the land as he may deem necessary, the price for which each parcel sold, and to whom sold; and he shall also communicate to the Legislature of the Territory of Arkansas a duplicate of the same, upon which a patent shall issue to the purchasers as in other cases of sales of public lands.

Sec. 3. *And be it further enacted*, That the money arising from the sales of the said twenty sections, or such portions of them as may be sold from time to time, after paying the reasonable expenses incurred in making selections of the two townships under the before recited act, and the expenses of selling the same under this act, shall be applied to the erection of suitable buildings for a seminary of learning at such place as may be designated, and under such terms and conditions as may be prescribed by the Legislature of Arkansas.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Governor of said Territory to pay the nett proceeds of said sales into the office of the Treasurer of said Territory, who shall be responsible for the same as other public moneys; and who shall not pay out the whole, or any part thereof, for any other objects or purposes than such as are provided for by the act of the second of March, eighteen hundred and twenty-seven, to which this is a supplement, and by this act, and in obedience to the laws of the Legislature of said Territory, made to carry into effect the provisions of this act, and the said recited act.

Sec. 5. *And be it further enacted*, That the Governor of the said territory shall be authorized to lease, for a term not exceeding five years, at any one time, the remainder of the two townships granted by the said act, and to apply the proceeds arising therefrom to the purposes aforesaid; and he shall render, once in two years, an account of the same to the Legislature of said Territory, and pay over the money to the Treasurer of said Territory.

Approved: March 2, 1833.

AN ACT supplemental to the act entitled "An act for the final adjustment of land claims in Missouri."

Be it enacted, &c. That the provisions of the act to which this is a supplement, shall be extended to, and embrace in its operations, every claim to a donation of land in the State of Missouri, held in virtue of settlement and cultivation; and the commissioners appointed under the above recited act, shall proceed to consider, decide, and report upon the aforesaid claims, under the provisions of the several acts of Congress heretofore passed in relation to said claims, and under such provisions and restrictions of the act to which this is a supplement, as may be applicable thereto.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the Recorder and Commissioners aforesaid, to continue to take the testimony of all such claims as heretofore described, for and during the term of two years, from the date of the act to which this is a supplement, any law to the contrary notwithstanding.

Approved: March 2, 1833.

AN ACT authorizing the removal of the Office of Surveyor General of Public Lands South of Tennessee.

Be it enacted, &c. That after the 1st day of April next, the Office of the Surveyor General of Public Lands South of Tennessee, shall be kept at Jackson, the seat of Government of the State of Mississippi.

Sec. 2. *And be it further enacted*, That all accounts for surveys of public lands in the State of Louisiana, not approved before the first day of April next, shall be presented, with the proper returns of such surveys, to the office of the Surveyor General of public lands for the State of Louisiana, for settlement or allowance.

Approved: March 2, 1833.

AN ACT granting certain lots to the President and Directors of the Georgetown College in the District of Columbia.

Be it enacted, &c. That there shall be, and hereby are, granted to the President and Directors of Georgetown College, in the District of Columbia, lots in the city of Washington, to the amount, in value, of twenty five thousand dollars, which said lots shall be selected and valued by the Commissioner of the Public Buildings, when requested by the said President and Directors; and when the said lots shall be so selected and valued, the same shall be vested in the said corporation, in fee simple, to be by them held and disposed of in the following manner; that is to say: the said corporation, by proper and lawful act or acts, under their corporate seal, shall sell and dispose of said lots, as soon as reasonably practicable, for the best price or prices they can obtain, and shall vest the proceeds of the same in some public stock, or stock of some incorporated bank.

Sec. 2. *And be it further enacted*, That, when the said lots aforesaid shall be selected and valued as aforesaid, the said Commissioner shall make return of the numbers and description thereof to the clerk of the circuit court of the county of Washington; to be by him recorded among the records of the land titles in the said county.

Sec. 3. *And be it further enacted*, That the proceeds of the sales aforesaid, so to be vested, shall not be otherwise used by the said President and Directors than as a capital, to be by them forever hereafter kept vested as aforesaid; and the dividends, or interest, thereupon accruing, shall, by them, be used and applied in aid of the revenues of the said college, to the establishment and endowment of such professorships therein as now are, or hereafter shall be, established by the President and Directors; and to and for no other purpose whatever.

Approved: March 2, 1833.

AN ACT to amend an act, entitled "An act to grant a quantity of land in the State of Illinois, for the purpose of aiding in opening a canal to connect the waters of Illinois river with those of Lake Michigan" and to allow further time to the State of Ohio for commencing the Miami Canal from Dayton to Lake Erie.

Be it enacted, &c. That the lands granted to the State of Illinois by the act to which this is an amendment, may be used and disposed of by said State, for the purpose of making a rail road instead of a canal as in said act contemplated; and that the time for commencing and completing said canal or rail road, whichever the State of Illinois may choose to make, be and is extended five years: *Provided*, That if a rail road is made in place of a canal, the State of Illinois shall be subject to the same duties and obligations, and the Government of the United States shall be entitled to, and have the same privileges on said rail road, which they would have had through the canal, if it had been opened.

Sec. 2. *And be it further enacted*, That the further time of five years be allowed the State of Ohio to commence the Miami canal from Dayton to Lake Erie, in addition to the time now allowed therefore by law.

Approved: March 2, 1833.

AN ACT to incorporate the Georgetown Free School and Orphan Asylum, in the District of Columbia.

Be it enacted, &c. That Stephen Dubuisson, Lewis Carbery, Peter O'Donnoghue, Edward B. King, Enoch

King, Charles King, Ignatius Clarke, Bernard Brien, A. H. Boucher, John R. May, and Joseph Brooks, and their successors in office, are hereby made, declared, and constituted, a corporation and body politic, in law and in fact, to have continuance forever, under the name, style, and title, of the Georgetown Free School and Orphan Asylum.

Sec. 2. *And be it further enacted*, That all and singular the lands, tenements, rents, legacies, annuities, rights, privileges, goods and chattels, that may hereafter be given, granted, sold, devised, or bequeathed, to the Georgetown Free School and Orphan Asylum, be, and they are hereby, vested in, and confirmed to, the said corporation; and that they may purchase, take, receive, and enjoy any lands, tenements, rents, annuities, rights, or privileges, or any goods, chattels, or other effects, of what kind or nature soever, which shall or may hereafter be given, granted, sold, bequeathed, or devised unto them, or either of them, as Trustees of the said Free School and Asylum, by any person or persons, bodies politic or corporate, capable of making such grant, and to dispose of the same: *Provided*, The clear annual income of property to be acquired by said corporation shall at no time exceed the sum of five thousand dollars.

Sec. 3. *And be it further enacted*, That the said corporation, by the name and style aforesaid, be, and shall be hereafter, capable, in law and equity, to sue and be sued, to plead and be impleaded, within the District of Columbia, and elsewhere, in as effectual a manner as other persons or corporations can sue or be sued; and that they shall adopt and use a common seal, and the same to use, alter, or exchange, at pleasure; that they may appoint such officers as they shall deem necessary and proper, to assign them their duties, and regulate their compensation, and to remove any or all of them, and appoint others, as often as they shall think fit; and the said corporation shall make such by laws as may be useful for the Government and support, and for the general accomplishment of the objects of the said Asylum, as hereinafter mentioned and not inconsistent with the laws of the United States, or the laws in force in the District of Columbia, for the time being, and the same to alter, amend, or abrogate, at pleasure.

Sec. 4. *And be it further enacted*, That there shall be a meeting of the regular annual contributors to the support of the Georgetown Free School and Orphan Asylum, in the month of June in each year, the hour and day and manner of giving notice for which to be regulated by the by-laws; at which meeting, by those who, from the by-laws, may be qualified to vote, nine female managers shall be elected, who shall appoint a President and Secretary, and may fill vacancies in their own board until the next annual election; and that their duties shall be regulated by the by-laws.

Sec. 5. *And be it further enacted*, That, with the consent and approbation of the parent, guardian, or friends, who may have the care of any male or female child, or where a child may be destitute of any friend or protector, the same may be received into the Georgetown Free School and Orphan Asylum, under such regulations as may be made by the by laws, and there protected, instructed, and supported; and that they shall not thereafter be withdrawn, or be at liberty themselves to withdraw, from the Free School and Asylum, without the consent or dismissal of the corporation aforesaid, until, if a male, he shall have attained the age of twenty-one years, or, if a female, the age of eighteen years; but, up to the ages aforesaid, respectively, they shall remain subject to the direction of the said corporation, unless they may, by the same, be exonerated from service previous to attaining those ages, respectively, and the said corporation shall have the power to bind any child under their care, for the purpose of acquiring a knowledge of some useful trade, occupation, or profession, under such conditions as may be determined by the by-laws, a copy of which conditions shall be delivered to, and they shall be binding on, every person to whom any child may be so bound; that children may be received into the schools for daily attendance, whose parents or guardians are, or may be, unable to pay for their instruction, or whose parents or guardians may contribute towards the support of the Free School and Asylum, under such regulations as may be made in the by-laws.

Sec. 6. *And be it further enacted*, That any vacancy which, from death, resignation, or otherwise, may happen in the board of trustees, shall be filled according to the mode to be prescribed in the by-laws; that they may hold such meetings as they shall think proper, and, to give form to their proceedings, may appoint such officers as they may deem necessary, and provide proper checks and responsibilities for the security of the property and funds of the corporation aforesaid; that they shall keep a journal of their proceedings, upon which the by-laws shall be recorded; and that they shall make report at the annual meeting to be held in June, of the affairs and condition of the institution for the preceding year.

Approved: March 2, 1833.

AN ACT to authorize the President of the United States to cause the public surveys to be connected with the line of demarcation between the States of Indiana and Illinois.

Be it enacted, &c. That the President of the United States be, and hereby is, authorized and required to cause the public lands lying along the line of demarcation between the States of Indiana and Illinois, as established by the joint sanction of those States, to be surveyed in connection with said line on either side thereof.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, authorized to allow for the service to be performed under this act, such further compensation, in addition to [the] regular price now authorized by law, as to him shall appear to be just and reasonable, to be paid out of the regular appropriation for surveying public lands northwest of the Ohio river.

Approved: March 2, 1833.

AN ACT further to extend the powers of the Board of Canal Commissioners for the improvement of the Tennessee River, in the State of Alabama.

Be it enacted, &c. That the Commissioners appointed by the State of Alabama to superintend the improvement of the Tennessee river, and their successors in office, be, and they are hereby, authorized to suspend the improvement of so much of said river as is below Florence, in said State, and every other part of the same, until the canal and other improvements between Lamb's ferry and Campbell's ferry shall have been completed, any thing in the act entitled "An act to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," approved twenty-third of May, one thousand eight hundred and twenty-eight, to the contrary notwithstanding.

Approved: March 2, 1833.

AN ACT prescribing the mode by which Patents for Public Lands shall be signed and executed.

Be it enacted, &c. That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint a Secretary, with a salary of one thousand five hundred dollars per annum, whose duty it shall be, under the direction of the President, to sign his name, and for him, all patents for lands sold or granted under the authority of the United States.

Sec. 2. *And be it further enacted*, That this act shall continue and be in force until the fourth day of March, one thousand eight hundred and thirty-seven, and no longer.

Approved: March 2, 1833.

AN ACT to revive the act entitled "An act supplementary to the several laws for the sale of public lands."

Be it enacted, &c. That in all cases in which persons were settlers or occupants of the public land prior to the first day of May, one thousand eight hundred and thirty two, and were authorized to enter under the provisions of the act, entitled, "An act supplementary to the several laws for the sale of public lands," approved April 5th, one thousand eight hundred and thirty-two, and were prevented from making their entries, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale in consequence of a disputed boundary between two States, or between a State and Territory, the said occupants shall be permitted to enter the said lands on the same conditions, in every respect, as were prescribed in said act, within one year after the surveys are made, or the land attached to a land district, or the boundary line established; and if the land shall be proclaimed for sale before the expiration of one year as aforesaid, then the said settlers or occupants shall be permiited to enter before the sale thereof.

Approved: March 2, 1833.

AN ACT to establish a town at St Marks, in Florida.

Be it enacted, &c. That the President of the United States be, and he is hereby, authorized to cause so much of the public lands at or near St. Marks, in the Territory of Florida, as he may deem proper, to be laid off into town lots, not to contain more than one quarter of an acre each, and into streets, avenues, and out lots, and public squares, for the use of the town; and, whenever the survey of the same shall be completed, it shall be the duty of the surveyor for the Territory of Florida, to cause two plats thereof to be made out, on which the town and out lots shall be respectively designated by progressive numbers; one of which shall be transmitted, with a copy of the field notes, to the Commissioner of the General Land Office, and the other to the Register of the Land Office for the proper district: *Provided*, Tha the President may adopt, if he shall approve, such plan as may have been already reported to the General Land Office.

Sec. 2. *And be it further enacted*, That the aforesaid town and out lots at said site, with the exception of such of them as the President may reserve for fortifications, shall be offered for sale to the highest bidder, under the direction of the Register and Receiver of the proper land office, at such times and places as the President shall, by public proclamation, designate for that purpose; and all lots remaining unsold a the closing of the public sales shall be subject to entry at private sale at the proper Land Office: *Provided*, That no town lot shall be sold for less than twenty-five dollars, nor any out lot for less than at the rate of twenty-five dollars per acre; and they shall, in every other respect, be sold on the same terms and conditions as are provided for the disposal of the other public lands of the United States.

Sec. 3. *And be it further enacted*, That previous to offering the aforesaid town and out lots at public sale, the President of the United States shall cause the value of any improvements that may have been made thereon to be ascertained in such manner as he may prescribe for that purpose; and the purchaser at public sale of any lot upon which there are such improvements, other than the owner thereof, shall, in addition to the sum to be paid to the United States, be, and hereby is, required to pay to the owner of the improvements, the value of them as thus ascertained; and, if payment therefor shall not be made upon the day on which the same was purchased, the lot shall be again offered at public sale on the next day of sale, and such person shall not be capable of becoming the purchaser of that or of any other lot offered at that public sale: *Provided*, That, if any lot so offered and bid off on the last day of the public sale shall not be thus paid for, the same may be entered at private sale, upon paying to the United States the sum at which it was bid off, and to the owner of the improvements the previously ascertained value thereof: *And provided further*, That the President be not authorized to offer any part of said town lots for sale, till he shall be satisfied that the site proposed for said town is not included within the limits of any conflicting Spanish title, which may not be released, or decided to be invalid.

Approved: March 2, 1833.

AN ACT granting an additional quantity of land for the location of Revolutionary bounty land warrants.

Be it enacted, &c. That the further quantity of two hundred thousand acres of land be, and the same is hereby, appropriated, in addition to the quantity heretofore appropria ed by the act entitled "An act for the relief of certain officers and soldiers of the Virginia line and navy, and of the Continental army during the Revolutionary war," approved the thirtieth May, one thousand eight hundred and thirty, and the act, entitled "An act to extend the time of issuing military land warrants to officers and soldiers of the Revolutionary war," approved the thirteenth July, one thousand eight hundred and thirty-two: which said appropriations shall be applied in the manner provided by the said acts, to the unsatisfied warrants, whether original or duplicate, which have been or may be issued as therein directed, to the officers and soldiers, and others, as described in said acts: *Provided*, That the said certificates of scrip shall be receivable in payment of any of the public lands liable to sale at private entry.

Approved: March 2, 1833.

AN ACT to extend the provisions of the act of the third of March, one thousand eight hundred and seven, entitled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law."

Be it enacted, &c. That all offences prescribed in the act, entitled "An Act to prevent settlements being made on lands ceded to the United States until authorized by law," approved the third of March, one thousand eight hundred and seven, when committed upon public lands not situated within any State, or organized Territorial Government, shall be cognizable in the District Court of the United States, held in the State nearest where the said offence may have been committed: and the offenders, upon conviction, shall be punished accordingly. And the said Court shall also have jurisdiction to hear and determine all suits or prosecutions, instituted for the recovery of all fines and penalties imposed by the said act.

Sec. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to direct the agents at Prairie du Chien, and Rock Island, or either of them, when offences against the said act shall be committed on lands recently acquired by treaty ftom the Sac and Fox Indians, to execute and perform all the duties required by the said act to be performed by the marshals in such mode as to give full effect to the said act, in and over the lands acquired as aforesaid.

Approved: March 2, 1833.

AN ACT to carry into effect the Convention between the United States and his Majesty the King of the Two Sicilies, concluded at Naples on the fourteenth day of October, one thousand eight hundred and thirty-two.

Be it enacted, &c. That the President of the United States, by and with the advice and consent of the Senate, shall appoint three Commissioners, who shall form a board, whose duty it shall be to receive and examine all claims which may be presented to them under the Convention between the United States and the King of the Two Sicilies, of the fourteenth day of October, one thousand eight hundred and thirty-two, which are provided for by the said Convention, according to the provisions of the same, and the principles of justice, equity, and the law of nations. The said Board shall have a Secretary, versed in the French and Italian languages, and a clerk, both to be appointed by the President, by and with the advice and consent of the Senate. And the Commissioners, Secretary, and Clerk, shall, before they enter on the duties of their offices, take oath well and faithfully to perform the duties thereof.

Sec. 2. *And be it further enacted,* That the said Commissioners shall be, and they are hereby, authorized to make all needful rules and regulations, not contravening the laws of the land, the provisions of this act, or the provisions of the said Convention for carrying their said commission into full and complete effect.

Sec. 3. *And be it further enacted,* That the members of the Board so constituted shall meet at the city of Washington, and their salaries shall begin to be allowed within thirty days after the exchange of the ratifications of the Convention shall have been proclaimed by the President of the United States; and, within one year from the time of said meeting, they shall terminate their duties. And the Secretary of State is required, as soon as the said proclamation of the President shall have been made, to give notice of the said meeting; to be published in two newspapers in Washington, and in such other papers as he may think proper.

Sec. 4. *And be it further enacted,* That all records, documents, or other papers, which now are in, or hereafter during the continuance of this commission may come into the possession of the Department of State, in relation to such claims, shall be delivered to the commission aforesaid.

Sec. 5. *And be it further enacted,* That the compensation of the respective officers, for whose appointment provision is made by this act, shall not exceed the following sums, namely: To each of the said Commissioners, at the rate of three thousand dollars per annum; to the Secretary of the Board, at the rate of two thousand dollars per annum; and to the clerk, at the rate of fifteen hundred dollars per annum. And the President of the United States shall be, and he is hereby, authorized to make such provision for the contingent expenses of the said commission, as shall appear to him reasonable and proper; and the said salaries and expenses shall be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 6. *And be it further enacted,* That the said commissioners shall report to the Secretary of State, a list of all the several awards made by them; a certified copy thereof shall be by him transmitted to the Secretary of the Treasury, who shall thereupon distribute in rateable proportions, among the persons in whose favor the awards shall have been made, such moneys as may have been received into the Treasury in virtue of this act, according to the proportions which their respective awards shall bear to the whole amount then received, first deducting such sums of money as may be due the United States from said persons in whose favor said awards shall be made; and shall cause certificates to be issued by the Secretary of the Treasury, in such form as he may prescribe, showing the proportion to which each may be entitled of the amount that may thereafter be received; and on the presentation of the said certificates at the Treasury, as the nett proceeds of the general instalments, payable by the Neapolitan Government, shall have been received, such proportions thereof shall be paid to the legal holders of the said certificates.

Sec. 7. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, to cause the several instalments, with the interest thereon, payable to the United States, in virtue of the said Convention, to be received from the Neapolitan Government, and transferred to the United States, in such manner as he may deem best, and the nett proceeds thereof to be paid into the Treasury, and the same are hereby appropriated, to satisfy the awards herein provided for.

Sec. 8. *And be it further enacted,* That all communications to and from the Secretary of the Board of Commissioners, on the business of the Commission, shall pass by mail free of postage.

Sec. 9. *And be it further enacted,* That as soon as said Commission shall be executed and completed, the records, documents, and all other papers, in the possession of the commission or its officers, shall be deposited in the office of the Secretary of State.

Approved, March 2, 1833

AN ACT to authorize the Governor of the Territory of Arkansas to sell the land granted to said Territory by an act of Congress approved the fifteenth of June, one thousand eight hundred and thirty-two, and for other purposes.

Be it enacted, &c. That, whenever the Governor of the Territory of Arkansas shall furnish to the Secretary of the Treasury a sufficient description of the boundaries of the thousand acres of land, granted by an act of Congress of the fifteenth of June, one thousand eight hundred and thirty-two, to the Territory of Arkansas, for the erection of a court-house and jail in the town of Little Rock, in the Territory aforesaid, it shall be the duty of the Secretary of the Treasury to cause a patent to be issued for said thousand acres of land, to the Governor of Arkansas, and his successors in office, in trust, for the benefit of the Territory of Arkansas, for the purpose of erecting a court house and jail at Little Rock.

Sec. 2 *And be it further enacted,* That the Governor of the said Territory of Arkansas be, and he is hereby fully empowered and authorized to lay off into town lots, conforming, as near as practicable, to the present plan of the town of Little Rock, so much of said grant of a thousand acres of land as he may deem advisable so to be appropriated; and that he be further authorized to sell the same, from time to time, as the public interest may require; and the residue of said grant, which may not be laid off into town lots corresponding with the plan of the said town of Little Rock, he shall be authorized to dispose of, in such lots or parcels as he may deem advisable; but, in no case shall he be authorized to sell, unless he shall give public notice of such sale by an advertisement in one or more newspapers printed in the Territory of Arkansas; and said sale shall be public at the court-house in the town of Little Rock.

Sec. 3. *And be it further enacted,* That, in case suitable situations cannot be had, free of cost to the Territory, for the location of the State house, as well as for the court-house and jail in the town of Little Rock, the Governor aforesaid shall be, and he is hereby, fully authorized to select and lay off suitable squares for each of those buildings, within the addition hereunto authorized to be added to the town of Little Rock; and that the squares so selected and laid off shall be appropriated to the use of the respective buildings for which they may be designated, and for no other purpose whatsoever, forever.

Sec. 4. *And be it further enacted*, That the Governor shall execute deeds for the lots he may sell under the provisions of this act, to purchasers, so soon as the purchasers shall pay off entirely the amount they may have bid for any lot or lots, and all sales shall be for cash.

Sec. 5. *And be it further enacted*, That, so soon as the Governor aforesaid shall dispose of lots, he shall apply the proceeds of said sales to the erection of a good and substantial court-house and jail; and, after these shall have been completed, should there be any funds remaining, it shall be the duty of said Governor to apply the surplus thus remaining to the erection of a suitable and permanent house for the residence of the present and future Governors of Arkansas, during their continuance in office.

Approved: March 2, 1833.

AN ACT for the relief of the widows and orphans of the officers and seamen who were lost in the United States' schooner Sylph.

Be it enacted, &c. That, the widows, if any such there be, and in case there be no widow, the child or children, and if there be no child, then the parents or parent, and, if there be no parent, then the brothers or sisters, of the officers and seamen who were in the service of the United States, and lost in the schooner Sylph, shall be entitled to, and receive, out of any money in the Treasury not otherwise appropriated, a sum equal to six months' pay of their respective deceased relatives aforesaid, in addition to the pay due to the said deceased on the fifteenth day of August, one thousand eight hundred and thirty-one, to which day the arrears of pay due to the said deceased shall be allowed and paid by the accounting officers of the Navy Department.

Approved: March 2, 1833.

RESOLUTIONS.

A RESOLUTION authorizing the delivery of certain papers in the Department of State to the Commissioners for Settling Claims under the Treaty with France, of the second of February one thousand eight hundred and thirty-two.

Resolved, &c. That the Secretary of State be, and he is hereby, authorized to deliver to the Commissioners for the Settlement of Claims under the treaty with France, ratified and confirmed on the second day of February, one thousand eight hundred and thirty-two, the evidences of any claim submitted to, and rejected by the commissioners for the settlement of claims under the treaty with Spain, which was made on the twenty-second day of February, one thousand eight hundred and nineteen, and finally ratified and confirmed on the twenty-second day of February, one thousand eight hundred and twenty-one, which evidences shall be returned to the Department of State when the Commission shall expire.

Approved: February 19, 1833.

A RESOLUTION in relation to the execution of the act supplementary to the "Act for the relief of certain surviving officers and soldiers of the Revolution."

Resolved, &c. That, in the execution of the act supplementary to the "Act for the relief of certain surviving officers and soldiers of the Revolution," approved June seventh, one thou and eight hundred and thirty-two, wherever it shall be made to appear that any applicant for a pension under said act entered the army of the revolution, in pursuance of a contract with the Government, made previous to the eleventh day of April, one thousand seven hundred and eighty-three, and continued in service until after that period, it shall be the duty of the Secretary of War to compute the period of any such applicant's service, from the time he then entered the army, and until the date of the definitive treaty of peace, and to allow him a pension accordingly.

Approved: March 2, 1833.

A RESOLUTION for the relief of sundry owners of vessels sunk for the defence of Baltimore.

Resolved, &c. That the memorial of John S. Stiles, and the memorial of the owners of vessels, taken and sunk for the defence of Baltimore during the late war, with the papers and documents referred to the Committee on Claims of the House of Representatives in the cases aforesaid, be referred to the Third Auditor for his decision under the act of May twenty-nine, eighteen hundred and thirty, "for the relief of sundry owners of vessels sunk for the defence of Baltimore;" which decision shall be subject to the supervision of the Secretary of the Navy.

Approved: March 2, 1833.

A RESOLUTION authorizing the Secretary of War to correct certain mistakes.

Resolved, &c. That if it shall be made satisfactorily to appear to the Secretary of War, that in the treaties concluded in one thousand eight hundred and thirty two, with the Potawatamie Indians, in the State of Indiana, that in the proper schedules accompanying the same, mistakes were made in writing the names of persons to whom payments were to be made, such mistakes may be corrected and the payments made accordingly.

Approved: March 2, 1833.

A RESOLUTION providing for the continuation of Gales and Seaton's Compilation of State Papers.

Resolved, &c. That the provisions of the act of the second of March, one thousand eight hundred and thirty, authorizing a subscription to a compilation of Congressional Documents, be, and the same are hereby, extended to the continuation of said compilation proposed to be executed by Gales and Seaton; and that the copies of the said continuation when completed, shall be distributed to the members of the twenty-second Congress, and in such other manner as Congress shall hereafter direct: *Provided*, The said continuation shall be limited to eight volumes.

Approved: March 2, 1833.

A RESOLUTION to place thirty copies of the Diplomatic Correspondence of the American Revolution at the disposition of the Secretary of State.

Resolved, &c. That thirty copies of Sparks' Diplomatic Correspondence of the Revolution, now in the custody of the Clerk of the House of Representatives, be placed at the disposition of the Secretary of State, for the use of the diplomatic agents of the United States in foreign countries.

Approved: March 2, 1833.

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